

SHELTERED MARKET PILOT REPORT

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1. EXECUTIVE SUMMARY

The goal of the Sheltered Market Pilot Program is to advance equity in procurement.

Sheltered Market Programs allow local governments to reserve certain contracts for minority- and/or women-owned (M/WBE) businesses where there is a documented disparity in government contracting with these businesses. Although only minority- and women-owned businesses are eligible to compete, the procurement process remains competitive. This ensures that the City gets a fair price and a quality product while serving our goal of increasing equity.

The City of Boston conducted the Sheltered Market Pilot Program to test it as a policy tool, determine the potential impact of the program and learn how to best implement it at scale. The pilot's goals were three-fold:

1. Assess the program's potential to meet its goal of advancing equity in procurement.
2. Determine the resources necessary to support departments and vendors, and the staffing required to run the program at scale.
3. Test the program policies, procedures, workflows, and training to identify potential risks and plan for how to mitigate them.

This pilot program was conducted as a close partnership between the Administration & Finance (A&F) and Economic Opportunity and Inclusion (EOI) cabinets. Following the authorization of the program by the City Council in December of 2021, the A&F and EOI teams worked to draft the procedures that would guide the program, publishing them on March 22, 2022. The pilot program then ran through June 30, 2022. During this time the City was able to successfully confirm the positive impact of the program, develop a reasonable estimate of the staff and resource requirements for running the program at scale, and evaluate the effectiveness of our program policies and procedures.

Within a shortened time frame, the City was able to award more than \$700,000 in contracts under the pilot program. This report lays out our findings and makes recommendations for improving certain elements of the program.

Conclusion

Given the success of the pilot in meeting the initial goals, and for additional reasons that we present in the conclusion of this report, **we recommend that the Sheltered Market Program be fully reauthorized.**



2. OUTCOMES AND DATA

One of the primary indicators of success for the program is the level of engagement from M/WBE firms. This was necessary to satisfy the requirements of the statute, but also to counter the belief that M/WBE firms could not access city work. By driving up participation, more M/WBE firms also got experience with the process, better preparing them to compete on future procurements.

As a part of the program, any procurement being considered for designation received additional scrutiny during the solicitation development process. Specifically, program staff analyzed the industry and scope of work, and then identified both certified and uncertified yet eligible businesses for outreach.

The Sheltered Market Pilot Program designated two procurements, both of which were successful in receiving at least three required eligible, responsive, and responsible proposals. These procurements and their results are described in the table below.

Description	Industry	Awarded to	\$ Awarded	# Businesses Contacted to Bid ¹	# Bids received	Compared to non SMP procurements
Comprehensive cleaning services	Support Services	Arimann Building Services (MBE)	\$474,050.50	12	9	Higher engagement
Downtown Events and Coordination	Professional Services	RoseMark Production (MWBE)	\$300,000.00	34	3	Higher engagement

For both of the designated procurements, the City performed the required analysis and outreach. The strong fundamentals of the City's M/WBE certification program and our partnership with the MA Supplier Diversity Office gave staff a strong foundation to build from.

As of the writing of this report, the contracts are ongoing. However, following our procedures, there will be comprehensive performance evaluations of the work.

¹12 businesses were contacted for *Comprehensive Cleaning Services* (55882) and 34 for *Downtown Events and Coordination* (55799). The engagement was higher than other Procurements sampled and past procurements for this work.

3. DATA AND OBSERVATIONS

Per Chapter 30B, Section 18 and our filed procedures, there are several additional data required:

(I) THE TOTAL NUMBER, THE PERCENTAGE, THE TOTAL DOLLAR VALUE, AND THE PERCENTAGE DOLLAR VALUE OF CONTRACTS AWARDED BY THE GOVERNMENTAL BODY TO DISADVANTAGED VENDORS ELIGIBLE FOR PARTICIPATION IN THE SHELTERED MARKET PROGRAM.

The next table represents contracts:

1. Beginning between 3/22/2022 and 6/30/2022 under 30B sections 4, 5 & 6;
2. Awarded to vendors certified MBE, WBE or M\WBE by the City of Boston or State of MA.

Rather than a full 12 month sample, this time frame was used to provide a more comparable benchmark, as the sheltered market was only available for use between those dates. The table below does not include the 2 Sheltered Market Contracts.

	Total Count of Contracts	% Count of Contracts	Total Dollar Value of Contracts	% Dollar Value of Contracts
M/WBE Vendors	15	6%	\$1,794,279.85	4%

(II) A DESCRIPTION OF OTHER EFFORTS UNDERTAKEN TO INCREASE CONTRACTING WITH DISADVANTAGED VENDORS

- **Business Certification:** The Department of Supplier and Workforce Diversity (SWD) issues certifications for Minority-Owned Business Enterprises (MBE), Woman-Owned Business Enterprises (WBE), Small Business Enterprises (SBE), Small Local Business Enterprises (SLBE), Veteran-Owned Small Businesses (VOSBE). In 2022, SWD received 157 new applications (i.e. not renewals). As of 7/29/22, there are 641 Businesses certified by the City of Boston. From 3/22/22 to 6/30/22, Supplier and Workforce Diversity received 98 new applications and 21 have been approved and certified. The sharp uptick in certification applications created a staff and processing bottleneck, and the City will consider ways to increase the speed of application review.

- **Compliance and Assistance:** SWD assists departments in conducting affirmative outreach for their procurements by identifying certified, disadvantaged businesses from City and State certified business directories.
- **Contract Specific MBE/WBE Utilization Goals:** The City has set condition-of-award goals for the participation of minority- and women-owned businesses on select competitively bid construction contracts (i.e., construction contracts with an estimated value of \$50,000 or more). SWD tracks the progress of prime contractors towards meeting their goals. Currently, the City has set goals on two projects: the Improvements to Malcolm X Park (30 39M) and 26 Court Street Renovations.
- **Home Rule Petition for Special to Increase WQC Threshold:** In March 2022, Mayor Wu filed a home rule petition with the City Council that would expand access to City contracts for minority- and women-owned business enterprises (M/WBEs). The proposal would raise the written quote contract maximum for contracts with certified M/WBEs from \$50,000 to the state Small Purchase threshold, which is currently \$250,000. The City Council passed the home rule petition on June 15, 2022. The petition is currently pending with the State legislature and under review by the Committee on Municipalities and Regional Government.
- **Contracting Opportunity Fund:** Annually, SWD awards capacity building grants of up to \$15,000 to certified businesses who are interested in bidding on City contracts. In FY22, the department awarded over \$1 million in grants to 71 businesses, 49% of which were minority woman-owned, 87% were minority-owned, and 71% were Black-owned.
- **Buying Plan:** The City published its first Buying Plan in 2021 and has released its updated FY22 buying plan with more procurement information, more departments, and an improved user experience. This tool aims to give small and diverse businesses valuable lead time to secure additional equipment or staff to prepare to make a competitive bid.
- **Pathways to City Contracting Events:** SWD hosts in-person and virtual events that seek to connect business owners with City buyers. SWD last hosted a fair on June 8th, 2022 where more than 65 businesses attended and got connected with representatives from 10 city departments who arrived ready to share information about their upcoming procurements for fiscal year 2023.

WE SAW A STRONG & POSITIVE VENDOR RESPONSE:

We received overwhelmingly positive responses from business-owners contacted by SWD and the marketing firm assisting the department. Even if their businesses did not provide the appropriate services or goods or were not technically eligible for the designated contracts, business-owners were enthusiastic about the program and its potential benefits.

For the two contracts designated under the SMP, SWD contacted 30 businesses directly, 22 businesses for *Comprehensive Cleaning Services* (55882) and 8 for *Downtown Events and Coordination* (55799). SWD also contracted with a marketing firm to assist in our outreach efforts by leveraging the contractor’s call center.

Total calls made	583
Total unique businesses reached out to	563
Total businesses engaged in a positive conversation	109
Total follow up engagements:	101

Almost every business contacted requested an email containing program information be sent to them. Boston-based businesses were noticeably more interested in the program than businesses located outside of the city proper.



4. LESSONS AND RECOMMENDATIONS

The following are some of the highlights of our findings, and a few recommendations for how we could improve in future iterations of the program.

I. DETERMINE REGULATIONS, RESOURCES TO SUPPORT DEPARTMENTS AND VENDORS, AND STAFFING TO RUN THIS AT SCALE

A. REGULATIONS

Lessons:

- Given this was the first time any municipality in the Commonwealth had used this tool, the processes for publishing and filing the procedures with the state needed to be tested.
- The law references the “state office of minority and women business assistance,” which has since been incorporated into the MA Supplier Diversity Office.
- There was a lack of clarity regarding what kind of “summary” of the procedures would be acceptable for publication.

Recommendations:

- As possible and expedient, work with the legislature to clarify and update the statute to reflect changes at the State level.
- Now that these questions have been figured out, they should be clearly laid out in a public FAQ to simplify the process to implement a future Sheltered Market Program in Boston or any other municipality.

B. SUPPORT FOR VENDORS AND TECHNICAL ASSISTANCE

Lessons:

- Many vendors who bid on SMP contracts needed additional technical support with bidding.
- This is a part of a larger trend where newer and smaller vendors tend to be less familiar with government procurement.

Recommendations:

- We need additional staff capacity and funding for external technical assistance to support vendors bidding on SMP contracts.

- We recommend exploring a tiered application process for procurements, so the initial application for SMP solicitations is less onerous for vendors. The goal of an initial step would be to assess whether potential vendors meet minimum requirements for the solicitation in question.
- This tiered approach to procurement has been implemented by the Department of Defense with their [Other Transaction Authority](#) (OTA and OTA2) framework.
- Prospective bidders would benefit from educational and training support (e.g. difference between technical and pricing proposals). Although these programs already exist within the city, they need to be more effectively coordinated with programs like the SMP.

C. SUPPORTING DEPARTMENTS

Lessons:

- The departments running procurements through the SMP pilot were enthusiastic about participating and needed extensive guidance on how to operate under and comply with the new program, which consumed a significant amount of staff time.
- To support departments, staff needed to develop the following resources: tools to identify procurements, tools and templates to engage with departments, meeting agendas and a recommended meeting cadence, language and documents to incorporate into solicitations.
- Procurement staff closely supported departments as they developed solicitations and advertisements, worked out solicitation timelines, coordinated with teams conducting availability analyses, and successfully implemented materials and plans.

Recommendations:

- Increase regular staff training and intra-department outreach to make departments aware of the SMP and other equity tools.
- Departments need guidance and support to use this tool. Since many resources and standard processes and procedures have been developed, future SMP procurements can be facilitated by using and continuously improving those resources.
- As the program scales, more resources and support will be required. Therefore, we recommend the creation of a central office to provide strategic advice and support to departments using the SMP and other strategic procurement initiatives.

D. STAFF CAPACITY

Lessons:

- Implementing this policy can help increase equity in city contracting provided there is clear guidance and strong support for departments and bidders.
- The program's success requires the commitment of well-trained and experienced staff to identify and evaluate potential procurements.
- During the pilot, staff continually updated the processes used to analyze and release these procurements.
- We estimate that current staff capacity is sufficient to issue a limited number of SMP procurements per year while still providing quality service and support to departments and bidders.

Recommendations:

- We recommend continuous improvement of documentation and training, as well as streamlining processes as the program matures.
- As the SMP moves beyond the initial pilot, we recommend careful monitoring of the program to measure the impact of streamlined processes on staff and resource requirements, and to facilitate any necessary adjustments.

II. TEST PROGRAM POLICIES, WORKFLOWS, PROCEDURES AND RESOURCES

A. IDENTIFYING POTENTIAL SOLICITATIONS AND VENDORS

Lessons:

- Both the team running the pilot and the participating departments needed to develop a rubric to evaluate which contracts were good candidates for the SMP.
- Staff had to devise and use an availability analysis for any nominated solicitation to determine which potential vendors in the City's database of certified businesses would be capable of implementing the requirements in a given solicitation and how many of those would have capacity during the target contract period.

Recommendations:

- Codify and publish the pilot's workflows and procedures to simplify future identification of promising solicitations for the SMP as well as

potential vendors that could meet SMP solicitation requirements. If we are going to scale the program, it needs to be a standard rubric to apply rather than one-off analyses.

- Participating departments now have some understanding of how to identify potential solicitations. Their experience and knowledge should be documented through post-pilot interviews and then shared with other departments through regular open forum and peer-to-peer trainings.

B. STANDARD WORKFLOWS

Lessons:

- Staff developed workflows to comply with SMP requirements and meet department needs. For example, we learned how much time is needed for a solicitation to be properly scoped, for departments to refine their needs, and for a solicitation to be re-released in case fewer than three bids were received. We also learned to check if other concurrent solicitations might compete for vendor attention and resources.

Recommendations:

- We are well-positioned to codify and execute on newly developed workflows.

C. OUTREACH AND AVAILABILITY ANALYSIS

Lessons:

- Though we found sufficient availability of MBEs/WBEs who performed the work associated with each contract, it was more difficult to determine which businesses had the capacity to actually perform the work at the scale required in the contract/submit a competitive bid.
- Many smaller businesses, particularly those that are not already City vendors, were unfamiliar with the public procurement processes and rules. Multiple contacts for different sources of information such as proposal requirements, certification process, bid deadlines etc. was confusing for businesses.

Recommendations:

- SWD conducted an initial availability analysis to determine if there was sufficient availability of minority- and/or woman-owned firms to

perform the work associated with each SMP contract. While we had ample information to identify businesses that fall in the work category of the contracts, without a better business capacity-specific metric, it was difficult to determine which businesses would likely submit a responsive and competitive bid.

- Investments in more rigorous and proactive prebid technical assistance for certified, first time bidders would assist in increasing the capacity of our certified business pool to submit responsive, competitive bids.
- More training for prospective bidders and fewer bid requirements (in favor of more rigorous proposal evaluation) would assist in simplifying the bidding process for small first time bidders.

D. REQUIREMENT TO RECEIVE A MINIMUM OF 3 BIDS

Lessons:

- Requiring 3 bids for each solicitation guarantees that at least two vendors lose on each solicitation.

Recommendations:

- This finding supports our above recommendation that the initial application stage of SMP solicitations be less onerous for vendors and that the goal of this step be to assess whether potential vendors meet minimum requirements for the solicitation in question.
- We recommend that the evaluation and award stages of the solicitations be the primary means of determining the best suited vendor.

E. 6-MONTH PILOT TIMELINE

Lessons:

- Since many of the City's contracts run on multi-year cycles and a large number of solicitations are published September 1-Dec 31, the pilot's 6-month window limited the pool of contracts available to be included in the SMP.
- Procurements are happening at various times of the year and some are rebid in 3-year cycles. Having access to the SMP permanently allows the tool to be used for relevant contracts.

Recommendations:

- A longer or permanent authorization would allow significantly more contracts to be included in the SMP.

5. FINAL RECOMMENDATION TO REAUTHORIZE SHELTERED MARKET PROGRAM

We recommend that the SMP be reauthorized and made permanent for three primary reasons:

- 1. The pilot achieved its goal of advancing equity in procurement. This goal is a mayoral priority.**
- 2. The operational and regulatory frameworks exist to effectively implement and regularly evaluate the program.**
 - a. Massachusetts General Law Chapter 30B Section 18 requires an annual report to evaluate any Sheltered Market Program. Therefore, the regulatory framework exists to continuously monitor and evaluate the tool.
 - b. During the pilot, processes, procedures, templates and documentation were created to enable the program to operate effectively.
- 3. Waiting to reauthorize the program may result in missing out on a large number of potential contracts.**
 - a. We recommend reauthorizing this tool as soon as possible to ensure this tool to advance equity in procurement is available over this fiscal year.
 - b. It is especially urgent to reauthorize soon in order to not miss out on the large number of solicitations that are released in the first quarter of the fiscal year.

APPENDICES:

APPENDIX A: MARKETING REPORT

The Department of Supplier and Workforce Diversity contracted with Archipelago Strategies Group (ASG) to assist in marketing and communications for the Sheltered Market Program. The marketing campaign targeted for-profit minority and women-owned businesses and was designed to ensure a diverse and competitive pool of bidders for the SMP. The campaign had three (3) main components:

1. **Outreach** - Call Center
2. **Digital** - Google ads and City of Boston social media accounts
3. **Communications** - Media Buy

MARKETING CAMPAIGN KPIS

CALL CENTER

DESCRIPTION	TOTAL
Total calls made	583
Total businesses reached out to	563*
**Total unique businesses successfully engaged in a positive conversation	109
Total informational pieces (such as flyers) shared OR emails sent:	101 - follow-up emails 286 - voicemails left

*Of the 583 calls made, 563 were first time dials to unique businesses. The 20 remaining calls were follow-ups made to businesses who requested to speak with us again later.

**These businesses are identified for potential bid/should be called back to encourage participation.

DIGITAL ENGAGEMENT

GLOSSARY	
Impressions	How often ads were shown
Clicks	Action on ads
Click Through Rate	The percentage of people who click on ad that saw it on their screen.

IMPRESSIONS	CLICKS	CTR
1,607,728	9683	0.60%

ASG also developed a toolkit that compiled all the creative material for social media in 9 languages, including the flyers and infographic.

MEDIA BUY

SHELTERED MARKET PILOT PROGRAM MEDIA BUY 2022									
Media Outlet Name	Type of Outlet	Outlet Potential Reach	Language	Creative Type	Format	Duration	# of Spots	Start Flight Date	End of Flight Date
Latina FM	Radio	200,000	Spanish	Radio mentions	Text	6 weeks	28	5/16/2022	6/23/2022
Planet Compass	Radio	150,000	Haitian Creole	Radio mentions	Audio	6 weeks	30	5/16/2022	6/23/2022
Brockton FM	Radio	301,734	Cape Verdean	Radio mentions	Audio	6 weeks	50	5/16/2022	6/23/2022
TNT Radio	Radio	500	Vietnamese	Radio mentions	Audio	6 weeks	78	5/16/2022	6/23/2022
A Hora Da Noticia	Social	301,734	Brazilian Portuguese	Radio mentions	Audio	6 weeks	48	5/16/2022	6/23/2022
Jam'n 9.45	Radio	195,600	English	Radio mentions	Audio	6 weeks	65	5/16/2022	6/23/2022



El Planeta - Boston	Social Media + Online/print newspaper	15,000	Spanish	Social media posts + Newsletter share	Image and text	6 weeks	9	5/16/2022	6/23/2022
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Recommendations from the marketing firm

DIGITAL

- With 39.44% of clicks coming from mobile devices, a call extension to the ad would have been helpful. This would have directly connected the audience to the City of Boston's Sheltered Market Program.
- A landing page with a lead generation form would have been extremely useful in this case. It would have allowed the City of Boston to collect email addresses which would have created a direct line of contact with the interested audience for future use.
- Google Analytics would have enabled tracking user activity once they arrived on the City of Boston Sheltered Market Program webpage. These insights are valuable to optimize a website to satisfy user interest.

COMMUNICATIONS

- Provide a trained spokesperson to conduct high-level interviews with media outlets to have more traction with audiences.

CALL CENTER

- Almost every business contacted requested an email containing program information be sent to them.
- Physical proximity to Boston was important. Boston-based businesses were noticeably more interested in the program than businesses located outside of the city proper.
- Calling in the afternoon was generally more successful than calling in the morning. In addition, having concise language at the ready to leave on a voicemail or convey to a non-management staff member taking a message proved key to securing callbacks or scheduling return calls.

SHELTERED MARKET PILOT PROGRAM - PROCEDURES

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PROCEDURES

1. Governing Panel

- a. The City will establish a panel consisting of the Chief Procurement Officer, the Chief of Economic Inclusion and Opportunity, the Chief of Diversity and Equity, and the City Auditor, or their designates.
- b. This panel will be responsible for:
 - i. Setting policy regarding certification of businesses for participation in the SMP
 - ii. Making final decisions regarding appeals for denial or decertification.
 - iii. Reviewing the appropriateness of proposed procurements for inclusion in the SMP
 - iv. Specifying the categories of disadvantaged businesses for proposed procurements for inclusion in the SMP
 - v. Approving or rejecting designation of procurements in the SMP
 - vi. Approving the annual report on effectiveness of the program.

2. Certification of businesses for participation

- a. The City will use its Minority and Women Owned Business Certification process. This can be found on the City's website at: <https://www.boston.gov/departments/economic-development/equity-and-inclusion-office/get-your-business-certified>
 - i. For the purposes of the SMP, businesses must have been certified as a relevant disadvantaged business by the City within the last 24 months at the time of award.
 - ii. In addition to businesses certified by the City directly, the City will authorize participation within the SMP by businesses that are:
 1. Certified as a disadvantaged business by another governmental body's Sheltered Market Program,
 2. Certified by Massachusetts Supplier Diversity Office or the Office of Minority and Women Business Assistance.
- b. If an application is going to be rejected, the City will contact the applicant using the email listed in their application, and explain why the application is insufficient.
 - i. The applicant will have 7 business days to update their application and supply clarifying information.

- c. If this clarifying information does not, in the city's judgment, satisfy the requirements for certification, the applicant will have 7 business days in which to appeal to the governing panel.

3. Designation Of Contracts

- a. Procurements may be submitted for designation to be let using the sheltered market by:
 - i. Any member of the governing panel
 - ii. The department issuing the procurement
- b. Once a procurement has been submitted for designation, the Governing Panel will have 7 business days to review and:
 - i. Approve or reject designation based on the following criteria
 - 1. Will the inclusion of this procurement further the goals of equity and supplier diversity?
 - 2. Is this an industry where there is a high availability of certified or certifiable disadvantaged businesses to perform the work? Are there likely to be at least 3 responsive and responsible bidders?
 - 3. Is this a category of work covered by the authorization from the City Council?
 - 4. Will this procurement be released and awarded during the authorized time?
 - ii. Specify the categories of disadvantaged businesses for which this procurement will be available through the SMP based on
 - 1. The depth of the disparity for that industry for each category of disadvantaged businesses
 - 2. The availability of businesses in those categories to perform the work
 - iii. This decision must be documented in writing, and included with the procurement when released.

4. Ensuring Competition

- a. Businesses which are certified or in the process of being certified as a disadvantaged business, and are interested in participating in the SMP may sign up to be notified when SMP procurements are released.
- b. All procurements designated for release through the SMP will be published on the City's buying plan, and on the Sheltered Market Program landing page on Boston.gov prior to the release of the procurement.
- c. The city will contract with a marketing agency to run a SMP awareness and education campaign, and targeted ads reaching out to the disadvantaged businesses for each procurement.

- d. In addition to paid advertising, the city will leverage its community partners and boards to outreach to potential bidders and encourage
- e. If any businesses believe they could perform the work, but lack experience with city contracting, they should reach out to the City's Office of Small Business Development for guidance and technical assistance.
- f. All SMP procurements will have a pre-submission conference to help potential bidders understand the needs of the city and the process to follow.
- g. After the award of any SMP procurement, the City will perform a mandatory debrief with each participant to maximize the learning for both City staff and participants.

5. Awarding of the procurement

- a. In order to be considered responsive, any submission must include:
 - i. A copy of a valid certification letter from one of the relevant certification authorities listed in section 3.
 - ii. A list of any contracts they have been awarded through a Sheltered Market Program within the last 12 months, with their start and end dates. This must also demonstrate that the business does not have a current, active contract issued through a Sheltered Market Program.
- b. 3 responsive and responsible submissions by the submission deadline must be received in order for the contract to be awarded under the Sheltered Market.
 - i. If a procurement does not receive 3 bids by the submission deadline, it must be restarted.

6. Annual Review and reporting requirements

- a. At least annually, and at the end of any authorization period, the Chief Procurement Officer must produce a written, detailed report that includes:
 - i. Information about the SMP
 - 1. A list of the contracts issued under the SMP and the dollar value of those contracts.
 - 2. The number of certified businesses and any change in that number over the reporting period.
 - 3. Metrics on the effectiveness of the SMP marketing:
 - a. How many businesses were contacted to bid for each procurement?
 - b. How many bids were received for each procurement?

- c. How does this performance compare to non SMP procurements?
- ii. Information about the city's total contracting:
 - 1. The total number, the percentage, the total dollar value, and the percentage dollar value of contracts awarded by the governmental body to disadvantaged vendors eligible for participation in the sheltered market program.
- iii. Description of other efforts undertaken to increase contracting with disadvantaged vendors
- iv. Recommendations for continuing, modifying, or terminating the program.
- v. Performance evaluations
- vi. If recommending that the program continue past the pilot, the panel will recommend changes to the SMP based on what we learned.

7. Severability:

- a. If any provision of these Procedures shall be held or made invalid by a court decision, statute, rule or otherwise, the remaining provisions of these Procedures shall not be affected thereby.