

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Greg Shabram, Interim Director, PCS
Policy Title/# (if applicable):	Equity Contracting, Purchasing, and Data Reporting Procedures
Submitted on Behalf Of:	Purchasing and Contracting Services
Responsible Executive Officer:	Kevin Reed, VP & General Counsel

SELECT ONE: **New Policy** **Revision** **Repeal**

Click the box to select

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**

If yes, which attorney(s): Kevin Reed (Currently in review)

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

The Equity Contracting, Purchasing, and Data Reporting Procedures Policy is meant to articulate a policy aimed at sharing information regarding the University's use of minority and women-owned and disabled veteran owned businesses, as well as emerging small businesses in contracting and purchasing agreements.

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

State efforts to improve HUB contracting:

Business Oregon Certification Office for Business Inclusion and Diversity:

<http://www.oregon4biz.com/How-We-Can-Help/COBID/>

Oregon Government Contract Assistance Program:

<http://www.gcap.org/>

UO Policies

<https://policies.uoregon.edu/ous-procurement-and-contracting-code>

<https://policies.uoregon.edu/vol-4-finance-administration-infrastructure/ch-9-purchasing-contracting/procurement-and-contracting>

<https://policies.uoregon.edu/purchasing-and-contracts-personal-or-professional-services-and-goods-and-services>

<https://policies.uoregon.edu/vol-4-finance-administration-infrastructure/ch-9-purchasing-contracting/strategic-purchasing>

PCS Policies

<https://pcs.uoregon.edu/content/statutesregulationspolicies>

CPFM Resources

<https://cpfm.uoregon.edu/resources>

STATEMENT OF NEED

What does this concept accomplish and why is it necessary?

We are updating the policy to align with current practices, state established standards and goals.

AFFECTED PARTIES

Who is impacted by this change, and how?

All UO entities engaging in procurement activity.

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

Name	Office	Date
Darin Dehle	CPFM Design and Construction	5/11/18

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Reason for Policy

To articulate a policy aimed at sharing information regarding the University's use of minority and women-owned and disabled veteran owned businesses, as well as emerging small businesses in contracting and purchasing agreements.

Entities Affected by this Policy

Purchasing and Contracting Services and Design and Construction, which are responsible for producing the report required by the policy.

Web Site Address for this Policy

[To be updated once new policy is posted]

Responsible Office

Purchasing and Contracting Services: (541) 346-2419 or pcsadmin@uoregon.edu
Design and Construction: capcon@uoregon.edu

Enactment & Revision History

7/1/14: Became a UO policy by operation of law
7/8/11: Approved by the State Board of Higher Education

Policy

I. ~~PURPOSE~~POLICY

It is the policy of the ~~Oregon~~ University System (~~OUS~~) of Oregon ("University" or "UO") that all businesses, including small, minority and women-owned businesses, ~~shall be given~~can access the maximum practicable opportunity to compete for and be awarded contracts offered by the ~~institutions within OUS University~~. The goal of this policy is to expand economic opportunities for ~~historically underrepresented businesses~~Historically Underutilized Small Businesses (HUBs) by encouraging participation in ~~OUS~~University contracting and purchasing.

~~ORS 351.070(2)(c) requires the Board to adopt policies and procedures that achieve results related to the participation of Minority, Women and Emerging Small Businesses (MWESBs), as defined by the State of Oregon, that equals or exceeds the standards in effect on July 17, 1995.~~

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~~The Board has further delegated its authority to the institutions under ORS 351.060(9) and the institutions have further delegated their authority for certain types of contracts and purchases to departments and employees pursuant to their specific institutional policies. OAR 580-061-0000(1)(f) provides that OUS employees should encourage participation by MWESBs. This requirement is further set out in OAR 580-061-0030. The Board's Policy on Diversity, approved on March 6, 2009, provides that the Board is committed to vendor and contracting practices that encourage and promote participation by MWESBs and requires periodic reports to the Board by the Chancellor and the presidents of each institution on progress in vendor and contracting initiatives and practices.~~

~~This policy implements these requirements. It includes University Policy provides that the University will adopt contracting practices that encourage and promote participation by HUBs. Accordingly, the University requires periodic reports to the President by the Director of Purchasing and Contracting Services and the Director of Design and Construction on the University's progress to encourage and promote participation by HUBs in the University's contracting opportunities.~~

~~Purchasing and Contracting Services and Design and Construction will execute this policy by conducting targeted outreach efforts aimed at increasing opportunities for a wide range of businesses, including certified MWESBs/HUBs and service disabled veteran owned, minority and women-owned businesses, and disadvantaged businesses that are not currently certified by ~~the Oregon Business Development Department (OBDD) Oregon~~ or have chosen an alternative agency for certification. ~~No provision of this policy is intended to provide~~provides for or ~~encourage and the policy should not be construed as providing for or encouraging~~encourages the granting of any unlawful preferences in OUS contracting; University shall implement the provisions of this policy ~~shall be implemented~~ in accordance with the requirements of state and federal law.~~

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II. DEFINITIONS

~~All capitalized terms not defined in this policy have the definitions set out in OUS rules.~~

~~State Certified MWESB: An MWESB/HUB: A small business certified by the State of Oregon including Emerging Small Business Development Department (ESB), Minority/Woman Business Enterprise (M/WBE), Service Disabled Veteran (SDV) and Disadvantaged Business Enterprise (DBE and ACDBE).~~

~~Historically Underrepresented Business: Certified Businesses: Oregon State certified and self-identified MWESBs and firms certified federally or by another state or entity with substantially similar procedures to the State of Oregon.~~

~~Management Plan/Aspiration: A plan to increase the diversity of a business' workforce and to subcontract with or purchase from Historically Underrepresented Businesses. The Management Plan/Aspiration may include the business' nondiscrimination practices, subcontracting strategy,~~

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workforce diversity plan, and outreach plan to increase participation by Historically Underrepresented Businesses. ~~Institutions are also encouraged to~~The University may consider past performance of businesses in regards to workforce diversity and subcontracting plans as part of the Management Plan evaluation. The Management Plan, except for any percentage goals to utilize Historically Underrepresented Businesses, shall become part of the Contract.

Outreach Plan: ~~An institution's~~The University's plan to increase utilization of Historically Underrepresented Businesses

III. OUTREACH

~~Each institution~~The University shall develop an Outreach Plan. ~~At the discretion of the institution, an~~The Outreach Plan may include elements such as: vendor fairs, small group meetings between Historically Underrepresented Businesses and persons who solicit and enter into contracts for the ~~institution~~University, technical assistance for Historically Underrepresented Businesses, and dissemination of resources to ~~institution~~University employees with purchasing authority. The Outreach Plan may also include outreach to businesses owned by disabled veterans.

IV. CONSTRUCTION-RELATED SERVICES, PROFESSIONAL CONSULTANTS, AND CAPITAL CONSTRUCTION

~~A.~~ Retainer Program for Construction Related Services

A. : All contracts with a contract value greater than \$50,000 that are awarded under the Retainer Program for Construction Related Services shall require a Solicitation Effort to at least two (2) Historically Underrepresented Businesses.

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~~B.~~ Retainer Program for Professional Consultants

B. : All contracts with a contract value greater than \$100,000 awarded under the Retainer Program for Professional Consultants shall require a Solicitation Effort to at least two (2) Historically Underrepresented Businesses professional consultants.

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~~C.~~ CM/GC and Design/Build Capital Construction Projects

C. : All RFPs for capital construction projects and associated professional consultants utilizing CM/GC or Design/Build processes shall include a Management Plan by the proposer as part of the evaluation criteria. At least 10 percent of the total points allocated for evaluation shall be allocated to the Management Plan.

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~~D. Solicitation Effort~~

D. For purposes of this section, Solicitation Effort means:

1. Contacting at least two (2) Historically Underrepresented Businesses, if available, individually by appropriate means (letter, fax, e-mail or telephone) to alert them of the contracting opportunity; and
2. Providing the Historically Underrepresented Businesses the same amount of time to respond to the proposal as non-Historically Underrepresented Businesses; and
3. If the ~~institution~~University solicits bids without posting an RFP on ~~the OUS~~its website, posting the names of the contractors that the ~~institution~~University has chosen to submit bids on the ~~OUS Business Opportunity Capital Construction Subcontracting Opportunities~~appropriate University website so that Historically Underrepresented Businesses can contact them to provide their services as subcontractors or suppliers; OR
4. If a significant portion of the Contract award to a general contractor in a capital construction project will be subcontracted to other businesses, per the determination of the ~~institution~~University, the inclusion of a Management Plan as part of the evaluation criteria. The evaluation of the Management Plan must represent at least 10 percent of the total points allocated for evaluation.

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V. PURCHASING OF GOODS OR SERVICES

All Informal and Formal Procurements ~~with a contract value of more than \$25,000~~ for the purchase of goods or services under a competitive process shall require a Solicitation Effort to at least one (1) Oregon certified ~~MWESB~~ firm.

~~A. Solicitation Effort~~

A. For the purposes of this section, Solicitation Effort means:

1. ~~Institutions~~The University shall contact one Certified ~~MWESB~~,HUB vendor if available, by appropriate means (letter, fax, e-mail or telephone) to alert them of the contracting opportunity and provide them reasonable notice to respond.
2. If no Certified ~~MWESB~~s,HUB vendor are available for the applicable solicitation, Self-identified ~~MWESB~~s**businesses** or firms certified by a state, the federal government or other entities, as available, may be used to satisfy the requirements of this section.

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VI. RECORDS

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~~Institutions~~The University shall keep a record of all Solicitation Efforts with its solicitation documents and in accordance with the ~~OUS~~University's records retention rules.

VII. EMERGENCY PROCUREMENTS AND OTHER EXEMPTED CONTRACTS

This policy is inapplicable to Emergency Procurements ~~and Special Procurements~~. This policy is inapplicable to any contract exempted from competitive procurement under existing ~~OUS~~University policies or rules. Notwithstanding the foregoing, ~~institutions are still strongly encouraged~~the University will endeavor to contact~~contract with~~ Historically Underrepresented Businesses for Emergency Procurements or exempt contracts where practicable.

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VIII. ANNUAL REPORT

A. ~~Each institution must~~ Purchasing and Contracting Services and Design and Construction will submit an ~~Annual Report~~annual report on ~~its~~the University's equity contracting and purchasing efforts to the ~~OUS Chancellor's~~President's Office by November 1. ~~Reports will be presented to the State Board of Higher Education annually.~~

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B. The Annual Report shall include data on utilization of Historically Underrepresented Businesses for capital construction projects and goods or services purchases for the most recently completed fiscal year. The Annual Report will also compare utilization to the previous year's utilization. ~~Institutions may choose to include comparisons to data from any other previous fiscal year, as available.~~

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1. Utilization data shall be separated into the following categories, when available:

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~~a)~~a. _____ Certified Minority Business Enterprises;

~~b)~~b. _____ Certified Women Businesses Enterprises;

~~c.~~ _____ Certified Disabled Veteran Business Enterprises

~~e)~~d. _____ Certified Emerging Small Business Enterprises; and

~~d) Self-identified MWESBs and MWESBs certified by another state, the federal government, or some other certifying entity whose certification processes are substantially similar to the processes used by the OBDD.~~

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e. Self-identified HUBs.

2. The Annual Report must include utilization data from the contracts with firms within the categories listed in 1(a), (b), (c), (d) and (ee). The Annual Report may include utilization data from contracts with firms within the category listed in 1(d). The Annual Report may also include utilization data from contracts with non-MWESBHUB firms that subcontract with Historically Underrepresented Businesses.
3. The Annual Report shall include data on Historically Underrepresented firms that are subcontractors on capital construction projects. The OUS Chancellor's Office Design and Construction shall set out the format for reporting this data.
4. The Annual Reports shall include the total number of Historically Underrepresented Businesses that did business with the institution University either directly, or as a subcontractor to a general contractor in a capital construction project, during the most recently completed fiscal year.
5. All utilization data shall be reported as a percentage of total covered expenditures and as the total value of the covered contracts as set out below. The expenditure categories listed in Addendum 1 shall be excluded from the report.

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REQUIRED DATA FIELDS FOR ANNUAL REPORT

1. Dollar Value

	<u>Capital Construction (including subcontracting)</u>	<u>Goods and Services</u>	<u>Total</u>
<u>1. Certified Minority Business Enterprises</u>			
<u>2. Certified Women Business Enterprises</u>			
<u>3. Certified ESBs</u>			
<u>Total of 1-3</u>			
<u>4. Self-identified MWESBs and MWESBs certified by other than OBDD</u>			
<u>Total of 1-4</u>			

2. Percentage of Total Expenditures

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	Capital Construction (including subcontracting)	Goods and Services	Total
1. Certified Minority Business Enterprises			
2. Certified Women Business Enterprises			
3. Certified ESBs			
Total of 1-3			
4. Self-identified MWESBs and MWESBs certified by other than OBDD			
Total of 1-4			

~~3. Number of Historically Underrepresented Businesses doing business with institution~~

	Capital Construction (including subcontracting)	Goods and Services	Total
1. Certified Minority Business Enterprises			
2. Certified Women Business Enterprises			
3. Certified ESBs			
Total of 1-3			
4. Self-identified MWESBs and MWESBs certified by other than OBDD			
Total of 1-4			

Related Resources

NA

Business Oregon Certification Office for Business Inclusion and Diversity:
<http://www.oregon4biz.com/How-We-Can-Help/COBID/>

Oregon Government Contract Assistance Program:
<http://www.gcap.org/>

CLEAN VERSION

Reason for Policy

To articulate a policy aimed at sharing information regarding the University’s use of minority and women-owned and disabled veteran owned businesses, as well as emerging small businesses in contracting and purchasing agreements.

Entities Affected by this Policy

Purchasing and Contracting Services and Design and Construction, which are responsible for producing the report required by the policy.

Web Site Address for this Policy

[To be updated once new policy is posted]

Responsible Office

Purchasing and Contracting Services: (541) 346-2419 or pcsadmin@uoregon.edu

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Enactment & Revision History

7/1/14: Became a UO policy by operation of law

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Policy

I. POLICY

It is the policy of the University of Oregon (“University” or “UO”) that all businesses, including small, minority and women-owned businesses, can access the maximum practicable opportunity to compete for and be awarded contracts offered by the University. The goal of this policy is to expand economic opportunities for Historically Underutilized Small Businesses (HUBs) by encouraging participation in University contracting and purchasing.

University Policy provides that the University will adopt contracting practices that encourage and promote participation by HUBs. Accordingly, the University requires periodic reports to the President by the Director of Purchasing and Contracting Services and the Director of Design and

Construction on the University's progress to encourage and promote participation by HUBs in the University's contracting opportunities.

Purchasing and Contracting Services and Design and Construction will execute this policy by conducting targeted outreach efforts aimed at increasing opportunities for a wide range of businesses, including certified HUBs and service disabled veteran owned, minority and women-owned businesses, and disadvantaged businesses that are not currently certified by Business Oregon or have chosen an alternative agency for certification. No provision of this policy provides for or encourages the granting of any unlawful preferences in contracting. University shall implement the provisions of this policy in accordance with the requirements of state and federal law.

II. DEFINITIONS

State Certified HUB: A small business certified by the State of Oregon including Emerging Small Business (ESB), Minority/Woman Business Enterprise (M/WBE), Service Disabled Veteran (SDV) and Disadvantaged Business Enterprise (DBE and ACDBE).

Historically Underrepresented Businesses: Oregon State certified and self-identified firms certified federally or by another state or entity with substantially similar procedures to the State of Oregon.

Management Aspiration: A plan to increase the diversity of a business' workforce and to subcontract with or purchase from Historically Underrepresented Businesses. The Management Aspiration may include the business' nondiscrimination practices, subcontracting strategy, workforce diversity plan, and outreach plan to increase participation by Historically Underrepresented Businesses. The University may consider past performance of businesses in regards to workforce diversity and subcontracting plans as part of the Management Plan evaluation. The Management Plan, except for any percentage goals to utilize Historically Underrepresented Businesses, shall become part of the Contract.

Outreach Plan: The University's plan to increase utilization of Historically Underrepresented Businesses

III. OUTREACH

The University shall develop an Outreach Plan. The Outreach Plan may include elements such as: vendor fairs, small group meetings between Historically Underrepresented Businesses and persons who solicit and enter into contracts for the University, technical assistance for Historically Underrepresented Businesses, and dissemination of resources to University employees with purchasing authority. The Outreach Plan may also include outreach to businesses owned by disabled veterans.

IV. CONSTRUCTION-RELATED SERVICES, PROFESSIONAL CONSULTANTS, AND CAPITAL CONSTRUCTION

- A. Retainer Program for Construction Related Services: All contracts with a contract value greater than \$50,000 that are awarded under the Retainer Program for Construction Related Services shall require a Solicitation Effort to at least two (2) Historically Underrepresented Businesses.
- B. Retainer Program for Professional Consultants: All contracts with a contract value greater than \$100,000 awarded under the Retainer Program for Professional Consultants shall require a Solicitation Effort to at least two (2) Historically Underrepresented Businesses professional consultants.
- C. CM/GC and Design/Build Capital Construction Projects: All RFPs for capital construction projects and associated professional consultants utilizing CM/GC or Design/Build processes shall include a Management Plan by the proposer as part of the evaluation criteria. At least 10 percent of the total points allocated for evaluation shall be allocated to the Management Plan.
- D. For purposes of this section, Solicitation Effort means:
 - 1. Contacting at least two (2) Historically Underrepresented Businesses, if available, individually by appropriate means (letter, fax, e-mail or telephone) to alert them of the contracting opportunity; and
 - 2. Providing the Historically Underrepresented Businesses the same amount of time to respond to the proposal as non-Historically Underrepresented Businesses; and
 - 3. If the University solicits bids without posting an RFP on its website, posting the names of the contractors that the University has chosen to submit bids on the appropriate University website so that Historically Underrepresented Businesses can contact them to provide their services as subcontractors or suppliers; OR
 - 4. If a significant portion of the Contract award to a general contractor in a capital construction project will be subcontracted to other businesses, per the determination of the University, the inclusion of a Management Plan as part of the evaluation criteria. The evaluation of the Management Plan must represent at least 10 percent of the total points allocated for evaluation.

V. PURCHASING OF GOODS OR SERVICES

All Informal and Formal Procurements for the purchase of goods or services under a competitive process shall require a Solicitation Effort to at least one (1) Oregon certified firm.

- A. For the purposes of this section, Solicitation Effort means:
 - 1. The University shall contact one Certified HUB vendor if available, by appropriate means (letter, fax, e-mail or telephone) to alert them of the contracting opportunity and provide them reasonable notice to respond.

2. If no Certified HUB vendor are available for the applicable solicitation, Self-identified businesses or firms certified by a state, the federal government or other entities, as available, may be used to satisfy the requirements of this section.

VI. RECORDS

The University shall keep a record of all Solicitation Efforts with its solicitation documents and in accordance with the University's records retention rules.

VII. EMERGENCY PROCUREMENTS AND OTHER EXEMPTED CONTRACTS

This policy is inapplicable to Emergency Procurements and Special Procurements. This policy is inapplicable to any contract exempted from competitive procurement under existing University policies or rules. Notwithstanding the foregoing, the University will endeavor to contract with Historically Underrepresented Businesses for Emergency Procurements or exempt contracts where practicable.

VIII. ANNUAL REPORT

- A. Purchasing and Contracting Services and Design and Construction will submit an annual report on the University's equity contracting and purchasing efforts to the President's Office by November 1.
- B. The Annual Report shall include data on utilization of Historically Underrepresented Businesses for capital construction projects and goods or services purchases for the most recently completed fiscal year. The Annual Report will also compare utilization to the previous year's utilization.
 1. Utilization data shall be separated into the following categories, when available:
 - a. Certified Minority Business Enterprises;
 - b. Certified Women Businesses Enterprises;
 - c. Certified Disabled Veteran Business Enterprises
 - d. Certified Emerging Small Business Enterprises; and
 - e. Self-identified HUBs.
 2. The Annual Report must include utilization data from the contracts with firms within the categories listed in 1(a), (b), (c), (d) and (e). The Annual Report may include utilization data from contracts with firms within the category listed in 1(d). The Annual Report may also include utilization data from contracts with non-HUB firms that subcontract with Historically Underrepresented Businesses.
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Related Resources

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