

1230.1810 PROPORTIONAL UTILIZATION OF SOCIALLY DISADVANTAGED BUSINESSES.

The division shall attempt to achieve utilization of socially disadvantaged small businesses in proportion to their representation in the state's market area. In so doing, the division may use either of the following purchasing methods for making awards to those socially disadvantaged businesses designated by the commissioner as targeted group businesses.

A. When it is likely that three responses will be obtained from certified targeted group small businesses, the solicitation may be set aside for responses only from those businesses.

(1) The division shall include a statement on the solicitation document informing all vendors that the solicitation is set aside for responses only from certified targeted group small businesses.

(2) The division shall reject any response from a business not certified as a targeted group small business.

(3) Where there are no responses or no acceptable responses, unsatisfactory responses, if any, must be recorded and the solicitation must be reissued.

B. A certified targeted group small business may be awarded up to a six percent preference in the amount offered over the lowest responsible offer from another vendor except as provided in part 1230.1830, item D.

(1) The division shall include a statement on the solicitation document informing all vendors that certified targeted group vendors will receive a preference in the amount offered and the amount of the preference to be awarded.

(2) Unless awarded pursuant to subitem (4), when the lowest acceptable response from a certified targeted group small business is within the specified percent of the lowest acceptable response from another vendor, award must be made to the lowest responsible certified targeted group small business.

(3) Unless awarded pursuant to subitem (4), when there is no acceptable response from a certified targeted group small business within the specified percent of the lowest acceptable response from another vendor, award must be made to the lowest responsible vendor.

(4) In the event the state is using a solicitation method other than competitive bidding, including requests for proposals and bids awarded based on best value criteria, where price is not the only factor considered in making an award, the preference shall be applied as stated in the solicitation document.

Statutory Authority: *MS s 16B.04; 16B.18; 16B.19; 16B.22; 16C.03; 16C.16; 16C.19*

History: *16 SR 194; 28 SR 499*

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