Rhode Island Department of Administration

A collaborative effort between the Office of Diversity, Equity and Opportunity (ODEO) and the Division of Purchases to commence implementation of new regulations for MBE and WBE participation Effective April 20, 2017
OFFICE OF DIVERSITY, EQUITY AND OPPORTUNITY (ODEO)

The mission of the Office of Diversity, Equity and Opportunity is to create and support a diverse and inclusive state government culture that values and reflects the changing demographics of Rhode Island by advancing equitable and fair opportunities for all Rhode Island citizens to be employed by and/or do business with the State of Rhode Island.

DIVISION OF PURCHASES

The mission of the Division of Purchases is to obtain the best value for the taxpayer by providing an "equal playing field" for all potential vendors, enhancing opportunities for small businesses, minority/women owned businesses, and disability business enterprises, and by leveraging State purchasing power on all procurements.
The Office of Diversity, Equity and Opportunity (ODEO)

http://odeo.ri.gov/

- The Office of Diversity, Equity and Opportunity (ODEO) is a division within the Department of Administration that was created in the summer of 2014 as a result of the State’s implementation of Executive Order 13-05, entitled: Promotion of Diversity, Equal Opportunity and Minority Business Enterprises in Rhode Island. This executive order required the Director of the Department of Administration (Department) to review all divisions and offices within the Department charged with facilitating equal opportunity employment and MBEs, including, but not limited to, the Division of Human Resources, the State Equal Opportunity Office, the Human Resources Outreach and Diversity Office, the Division of Purchases, and the MBE Program, and make recommendations to the Governor to improve collaboration between these offices and all executive departments to ensure these programs are more effective. As a result of a collaborative effort amongst these divisions, as well as other divisions within the Department of Administration, several recommendations were submitted to the Governor, one of which was the creation of the ODEO.

- The ODEO oversees operations within the State Equal Opportunity Office, the Human Resources Outreach & Diversity Office, the Minority Business Enterprise Compliance Office, and the newly created Supplier Diversity Office.
Minority Business Enterprise Compliance Office MBE/WBE

http://odeo.ri.gov/offices/mbeco/index.php

MBECO services include certification and compliance.

MBECO Certification:
- Minority Business Enterprises (MBE)
- Women Business Enterprises (WBE)

MBECO Compliance:
- Ensures compliance with the participation of MBE and WBE firms on all state procurement activities

Equal Opportunity Office

http://odeo.ri.gov/offices/eoo/

The State Equal Opportunity Office is charged with providing training and technical assistance requested by any company doing business in Rhode Island and to all state departments as is necessary to comply with the intent of RIGL 28-5.1-2. The State Equal Opportunity Office is also charged with issuing any guidelines, directives or instructions necessary to effectuate its responsibilities under this chapter, and to investigate possible discrimination, hold hearings, and direct corrective action to said discrimination.
1.6 Definitions, 4. “Disability Business Enterprise”
means a small business concern that is owned and controlled by one or more individuals with disabilities as defined by R.I. Gen. Laws § 37-2.2-2. To be recognized under these Regulations as a Disability Business Enterprise, the business must be certified as a Disability Business Enterprise by the Governor’s Commission on Disabilities.

1.6 Definitions, 7. “ISBE”
means a small business enterprise that is owned and controlled by one or more individuals who are women or minorities as defined by R.I. Gen. Laws § 37-14.1-3 or a small business enterprise that is owned and controlled by one or more individuals with disabilities as defined by R.I. Gen. Laws § 37-2.2-2. To be recognized under these Regulations as an ISBE, the business must be certified as either:
   a. an MBE by the ODEO;
   b. a WBE by the ODEO; or
   c. a Disability Business Enterprise by the Governor’s Commission on Disabilities.

1.6 Definitions, 8. “ISBE Participation Rate”
means the ratio of the amount of work performed in connection with a State procurement contract or public works project by ISBEs to the amount of work performed by all contractors and subcontractors.
The Division of Purchases (Purchases)  

www.purchasing.ri.gov

- A Division within the Department of Administration
- Purchases is the centralized procurement authority for the State of Rhode Island.
- Annually solicit approximately 1,000 bids which includes Requests for Proposals (RFP) and Requests for Quotes (RFQ)
Purchases Implementation for MBE/WBE Participation
Effective 4/20/17

Agenda

- Requests for Proposals ("RFPs") - Implementation of Point System for MBE/WBE Participation
- Non-DBE* Service Request for Quotations ("RFQs") – require Statement of Acknowledgement with bid or request for quotation and tentative award letter which will require submission of MBE and WBE Participation Plan within 5 days of award letter
- EEO Requirements
- Quick Tips with Ali

*US Department of Transportation Disadvantaged Business Enterprise ("DBE") Program
POINT SYSTEM – RFPs
NEW REGULATIONS EFFECTIVE 4/20/17
Agency designation of an MBE/WBE Coordinator

Ref: 1.7 Request for Proposals, D. MBE/WBE Coordinator.

For each RFP issued, the Using Agency shall designate an MBE/WBE Coordinator no later than the time the RFP is issued. For each RFP assigned to him or her, the MBE/WBE Coordinator shall be responsible for compliance oversight and tracking and recordkeeping all data and information that is required to be reported by each State Agency under Section 1.11 of this Part.
Changes in the selection methodology for Requests for Proposals ("RFPs") to encourage increased utilization of minority, women, and disability business enterprises ("M/W/DisBEs") to comply with new ODEO regulations.

Process will be used in conjunction with all evaluated bids. RFPs awarded based on cost and technical scores will now consider points based on MBE/WBE/DisBE’s participation.

<table>
<thead>
<tr>
<th>Old Way</th>
<th>New Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Proposals were evaluated based on technical and cost criteria only</td>
<td>Evaluation now based on Technical, Cost and MBE/WBE/DisBE’s Participation. Bidders must submit their MBE/WBE/DisBE’s Participation Plan with their bid in a separately sealed envelope</td>
</tr>
<tr>
<td>MBE/WBE/DisBE’s participation was not considered in the evaluation process</td>
<td>Points will be awarded to bidders utilizing minority, women and disability firms</td>
</tr>
<tr>
<td>MBE/WBE/DisBE’s Participation Plans were requested after a tentative award notice was issued to vendor(s)</td>
<td>Bidder(s) with the highest participation rate receive the highest bonus points. All other bidders will receive MBE bonus points on a pro rata basis</td>
</tr>
</tbody>
</table>
### RFP Bid Submission Old Way

**Included:**
1. Technical Proposal
2. Cost Proposal in a separate sealed envelope

### RFP Bid Submission New Way

**Includes:**
1. Technical Proposal
2. Cost Proposal in separate sealed envelope
3. MBE/WBE/DisBE’s Participation Plan in a separate sealed envelope
New Point System – RFPs 4/20/17

<table>
<thead>
<tr>
<th>RFP Evaluation Old Way</th>
<th>RFP Evaluation New Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>of Cost Proposal Submitted to Purchases by Evaluation</td>
<td>of Cost Proposal and Participation Plan to be submitted to</td>
</tr>
<tr>
<td>Committee Chair</td>
<td>Purchases by Evaluation Committee Chair</td>
</tr>
<tr>
<td>2. Cost Proposal Released to Evaluation Committee</td>
<td>2. Cost Proposal and MBE/WBE/DisBE’s Participation Plan</td>
</tr>
<tr>
<td></td>
<td>Released to Evaluation Committee</td>
</tr>
<tr>
<td>3. Phase II - Final Evaluation Memo of Technical and Cost</td>
<td>3. Phase II - Final Evaluation Memo of Technical, Cost,</td>
</tr>
<tr>
<td>Components, with requested vendor award(s), Submitted to</td>
<td>MBE/WBE/DisBE’s Points, with requested vendor award(s),</td>
</tr>
<tr>
<td>Purchases by Committee Chair</td>
<td>to be Submitted to Purchases by Committee Chair</td>
</tr>
<tr>
<td>4. Purchases Issuance of Tentative Award included MBE</td>
<td>4. Purchases Issuance of Tentative Award (no longer</td>
</tr>
<tr>
<td>Participation Plan as element of Required Documentation</td>
<td>includes MBE Participation Plan as element of Required</td>
</tr>
<tr>
<td></td>
<td>Documentation)</td>
</tr>
</tbody>
</table>
Proposals shall be reviewed and scored based upon the following criteria:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Qualifications</td>
<td>10 Points</td>
</tr>
<tr>
<td>Capability, Capacity, and Qualifications of the Offeror</td>
<td>10 Points</td>
</tr>
<tr>
<td>Work Plan</td>
<td>30 Points</td>
</tr>
<tr>
<td>Approach Proposed</td>
<td>20 Points</td>
</tr>
<tr>
<td><strong>Total Possible</strong></td>
<td><strong>70 Points</strong></td>
</tr>
<tr>
<td><strong>Total Possible Technical</strong></td>
<td><strong>70 Points</strong></td>
</tr>
<tr>
<td>Cost proposal*</td>
<td><strong>30 Points</strong></td>
</tr>
<tr>
<td><strong>Total Possible Evaluation Points</strong></td>
<td><strong>100 Points</strong></td>
</tr>
</tbody>
</table>

**ISBE Participation**

- **6 Bonus Points**

**Total Possible Points**

- **106 Points**

**Commented [FD(18)]:** The 70 point max can be divided up as you deem fit among the criteria you choose. Make sure these point categories mirror the categories set forth in Section 4. Technical Proposal.

**Commented [FD(19)]:** Cost cannot be lower than 30, but it can be higher. Be sure to adjust the Technical points so that the total is 100.

**Commented [SM(20)]:** ISBE participation is a required component in the evaluation and CANNOT be altered and/or omitted.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Qualifications</td>
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<tr>
<td>Capability, Capacity, and Qualifications of the Offeror</td>
<td>10 Points</td>
</tr>
<tr>
<td>Work Plan</td>
<td>20 Points</td>
</tr>
<tr>
<td>Approach Proposed</td>
<td>Total Possible Technical 70 Points</td>
</tr>
<tr>
<td>Cost proposal*</td>
<td>80 Points</td>
</tr>
</tbody>
</table>

**Total Possible Evaluation Points: 100 Points**

---

**Tech and cost criteria unchanged**

---

*COST PROPOSAL EVALUATION:*

The vendor with the lowest cost proposal shall receive one hundred percent (100%) of the available points for cost. All other vendors shall be awarded cost points based upon the following formula:

\[
\text{(lowest cost proposal / vendor’s cost proposal)} \times \text{available points}
\]

For example: If the vendor with the lowest cost proposal (Vendor A) bids $65,000 and Vendor B bids $100,000 for monthly costs and service fees and the total points available are thirty (30), Vendor B’s cost points are calculated as follows:

\[
\frac{$65,000}{$100,000} \times 30 = 19.5
\]
New criteria for ISBE Participation Evaluation

**ISBE Participation Evaluation:**

a. Calculation of ISBE Participation Rate

1. ISBE Participation Rate for Non-ISBE Vendors. The ISBE participation rate for non-ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of non-ISBE vendor’s total contract price that will be subcontracted to ISBEs by the non-ISBE vendor’s total contract price. For example if the non-ISBE’s total contract price is $100,000.00 and it subcontracts a total of $12,000.00 to ISBEs, the non-ISBE’s ISBE participation rate would be 12%.

2. ISBE Participation Rate for ISBE Vendors. The ISBE participation rate for ISBE vendors shall be expressed as a percentage and shall be calculated by dividing the amount of the ISBE vendor’s total contract price that will be subcontracted to ISBEs and the amount that will be self-performed by the ISBE vendor by the ISBE vendor’s total contract price. For example if the ISBE vendor’s total contract price is $100,000.00 and it subcontracts a total of $12,000.00 to ISBEs and will perform a total of $8,000.00 of the work itself, the ISBE vendor’s ISBE participation rate would be 20%.

b. Points for ISBE Participation Rate:

The vendor with the highest ISBE participation rate shall receive the maximum ISBE participation points. All other vendors shall receive ISBE participation points by applying the following formula:

\[
\text{(Vendor’s ISBE participation rate ÷ Highest ISBE participation rate)} \\
\times \text{Maximum ISBE participation points}
\]

For example, assuming the weight given by the RFP to ISBE participation is 6 points, if Vendor A has the highest ISBE participation rate at 20% and Vendor B’s ISBE participation rate is 12%, Vendor A will receive the maximum 6 points and Vendor B will receive \((12\% ÷ 20\%) \times 6\) which equals 3.6 points.

General Evaluation:

Points shall be assigned based on the vendor’s clear demonstration of the ability to provide the requested goods and/or services. Vendors may be required to submit additional written information or be asked to make an oral presentation before the TEC to clarify statements made in the proposal.
Failure to Submit ISBE Participation Rate

1.7 Request for Proposals, E. Proposer’s Responsibilities, 2. Failure to Submit ISBE Participation Rate.

- Any Proposer that fails to submit a proposed ISBE Participation Rate or any requested substantiating documentation in a timely manner shall receive zero (0) ISBE participation points.
Where to find Minority Business Enterprise Forms

http://odeo.ri.gov/offices/mbeco/mbe-wbe.php#section4

Compliance Related Forms

- MBE Utilization Plan Form
- MBE Project Reporting Form

Regulations

- Rules, Regulations, Procedures and Criteria Governing Certification and Decertification of MBE Enterprises
- MBE Compliance Regulations
- Good Faith Efforts
- How MBE, WBE and DBE Participation is Credited
- Regulations Governing Substitution of an MBE, WBE or DBE Firm
- Rhode Island General Law 37-14.1 which relates to Minority Business Enterprise
- 13 CFR 121
- 13 CFR 124
- 49 CFR 26
NON-DBE SERVICE RFQs
A bidder shall include with its bid or Request for Quotation (“RFQ”) the Statement of Acknowledgement, which outlines the provisions of State law and the obligation to meet the minimum ten percent (10%) MBE participation rate. Ref: 1.8 Request for Quotes, E. Bidder Responsibilities, 1. Acknowledgement.

“A Bidder shall include with its bid or quote, a statement acknowledging the provisions of R.I. Gen. Laws Ch. 37-14.1 and its obligation to meet the Aggregate Utilization Rate.”

Within 5 business days after receipt of the tentative award letter, the vendor must submit a completed and signed MBE Plan to the Office of Diversity, Equity and Opportunity, MBE Compliance Office.

Prior to the issuance of a purchase order, either an approved MBE Utilization Plan must be in place or a waiver of the participation requirement must be granted by ODEO / MBE based upon documentation of “Good Faith Efforts.”

*US Department of Transportation Disadvantaged Business Enterprise (“DBE”) Program
NEW TENTATIVE AWARD LETTER REQUIREMENTS
FOR NON-DBE CONSTRUCTION RFQS AND ALL RFPS

Will be uploaded to the Purchasing Agency Resource Center “ARC”
EEO REQUIREMENTS
EEO* Requirements

Regulatory History:

- President Obama issued an amendment to Executive Order 11246, originally issued by President Lyndon B. Johnson, adding sexual orientation and gender identity to the list of protected categories (2014).

- Enacted in 1988, the statute governing state contracts (§ 28-5.1-10) mandates that contractors/subcontractors doing business with the State of Rhode Island comply with federal executive orders relating to EEO requirements.

*Equal Employment Opportunity (“EEO”)
Affirmative Action Requirements:

- Contractors and subcontractors who do more than $10,000 in government business in one year are prohibited from engaging in employment discrimination on the basis of race, color, religion, sex, sexual orientation and gender identity, as well as national origin, and are required to submit an “Affirmative Action Policy Statement.”

- Contractors with 50 or more employees and $50,000 or more in government contracts must prepare a written “Affirmative Action Plan.”

- Under the Vietnam Era Veterans’ Readjustment Assistance Act, as amended (“VEVRAA”) and Section 503 of the Rehabilitation Act of 1973, federal contractors and subcontractors are required to take affirmative action to recruit, hire and promote qualified veterans and persons with disabilities, respectively.
# EEO Requirements

<table>
<thead>
<tr>
<th>Before Purchase Order is Issued, Vendor Must Complete:</th>
<th>Throughout the Life of the Contract, Vendor Must Complete:</th>
<th>At the End of the Contract, Vendor Must Complete:</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Certification of Compliance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Affirmative Action Plan or Policy Statement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Before Purchase Order is Issued, Vendor Must Complete:

- Contract Compliance Report
- Certification of Compliance
- Affirmative Action Plan or Policy Statement

Throughout the Life of the Contract, Vendor Must Complete:

- Monthly Utilization Report

At the End of the Contract, Vendor Must Complete:

- Contract Letter of Completion
Quick Tips with Ali
How to visit the RI Purchases Agency Resource Center “ARC”  Page 1 of 2

Visit the “ARC” to ensure utilization of the most current document versions.

User Instructions:
The ARC operates on smartphones.
From the “purchasing.ri.gov” home page click on the link for the Agency Resource Center “Agency Login”.  See example (1) below.

The Agency Resource Center Agency Login page will open.  If you do not know your Agency Login, for User ID & Password use "68" followed by "68000", then click on the Login Box.  - See example below.

How to visit the RI Purchases Agency Resource Center “ARC”  Page 2 of 2

First-time visitors should watch the 2-minute user manual video.  It is a quick overview of the ARC, describes required software and versions, and provides a user “how to”.  See (1) below.  To access the documents stored in the ARC use the “Click Here for Agency Resource Center” link.  - See (3) below.

Documents are stored within their respective categories.  Hover your mouse over the blue boxes beneath each category to see the drop down of items stored.  As our dropdown of content grows you may find that you will have to click on the last item in the dropdown to expand the listing of documents.
MPA Search Tips

“To view all MPAs”, **Click on “Search”** from the MPA page  
[http://www.purchasing.ri.gov/MPA/MPASEarch.aspx](http://www.purchasing.ri.gov/MPA/MPASEarch.aspx)

**Master Price Agreement (MPA) Search**

3 TIPS FOR SEARCHING ON THIS MPA SEARCH PAGE:
- **Searching by Key Word** - Type Key Word into the Description Field and Click Search
- **Searching When Title is Known** - Type First Word of Title in Description Field & Choose from Menu
- **To View All MPAs** - Click Search
Click on the award number to view the vendor award.

Click here to view the User Guide and any buyer status updates that may be posted for the MPA.

<table>
<thead>
<tr>
<th>Award Number</th>
<th>Vendor Name</th>
<th>MBE</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>3461004</td>
<td>Core Business Technologies</td>
<td></td>
<td>Contract</td>
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<tr>
<td>3461001</td>
<td>Alliance Business Products</td>
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<td>Contract</td>
</tr>
<tr>
<td>3446702</td>
<td>Konica Minolta Business Solutions</td>
<td></td>
<td>Contract</td>
</tr>
<tr>
<td>3446249</td>
<td>Sharp Electronics Corporation</td>
<td></td>
<td>Contract</td>
</tr>
<tr>
<td>3446470</td>
<td>Xerox Corporation</td>
<td></td>
<td>Contract</td>
</tr>
<tr>
<td>3446237</td>
<td>Ricoh USA, INC</td>
<td></td>
<td>Contract</td>
</tr>
<tr>
<td>3451976</td>
<td>Aztec Office Supplies Direct</td>
<td></td>
<td>Update: For Sharp resellers, agencies are instructed to issue POs to Sharp Direct. PO #3446249 SHARP ELECTRONICS LOCAL AUTHORIZED DEALER SHARP PLAZA, BOX B MAHWAH, NJ 07402 Aztec Office LLC - CONTRACT</td>
</tr>
<tr>
<td>2310491</td>
<td>Toshiba America Business Solutions, Inc.</td>
<td></td>
<td>CONTRACT</td>
</tr>
<tr>
<td>3461997</td>
<td>Advanced Business Machines, Inc.</td>
<td></td>
<td>CONTRACT Update: For Sharp resellers, agencies are instructed to issue POs to Sharp Direct. PO #3446249 SHARP ELECTRONICS LOCAL AUTHORIZED DEALER SHARP PLAZA, BOX B MAHWAH, NJ 07402</td>
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<tr>
<td>3422046</td>
<td>AXION BUSINESS TECHNOLOGIES</td>
<td></td>
<td>Contract</td>
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<tr>
<td>3451886</td>
<td>Automated Business Machines, Inc.</td>
<td></td>
<td>Contract Update: For Sharp resellers, agencies are instructed to issue POs to Sharp Direct. PO #3446249 SHARP ELECTRONICS LOCAL AUTHORIZED DEALER SHARP PLAZA, BOX B MAHWAH, NJ 07402</td>
</tr>
<tr>
<td>3440470</td>
<td>Hewlett Packard</td>
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<td>HP INC. Contract</td>
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<tr>
<td>3460249</td>
<td>Bay Business Machines, Inc.</td>
<td></td>
<td>Contract</td>
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<tr>
<td>3472742</td>
<td>Connecticut Business Systems</td>
<td></td>
<td>Contract</td>
</tr>
</tbody>
</table>
User Guides Are Available
On the Purchases MPA Website
Note that User Guides are not accessible in RIFANS

<table>
<thead>
<tr>
<th>Contract User Guide</th>
<th>Company Name</th>
<th>Seller Type</th>
<th>Contact Name</th>
<th>Phone Number</th>
<th>Email Address</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal URA</td>
<td>Manufacturer</td>
<td>Roger Kooser</td>
<td>401-226-2024</td>
<td><a href="mailto:sa_3000@federalusa.com">sa_3000@federalusa.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sharp Electronics</td>
<td>Manufacturer</td>
<td>Jim Dreisell</td>
<td>978.205.1086</td>
<td><a href="http://www.sharp-ecom.com">www.sharp-ecom.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Business Solutions</td>
<td>Reseller</td>
<td>Alan Algerman</td>
<td>401-722-0400</td>
<td><a href="http://www.abisys.com">www.abisys.com</a></td>
<td></td>
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</tr>
<tr>
<td>Innovex (Advance Business Machines)</td>
<td>Reseller</td>
<td>Peter Farkas</td>
<td>401-226-7000</td>
<td><a href="http://www.innovex.com">www.innovex.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>XRS Group, Inc (Audio Ofta LLC)</td>
<td>Reseller</td>
<td>Jay Greisbach</td>
<td>800.430.4462</td>
<td><a href="http://www.xrs-group.com">www.xrs-group.com</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Background:**

MPA 306 is a WSCA Cooperative agreement #3061 with a contract term of 1/1/2016 – 12/31/2018.

**Cooperative Purchasing Agreement:**

This Master Price Agreement is issued under a cooperative agreement with WSCA-NASPO (Western States Contracting Alliance and The National Association of State Procurement Officials), a cooperative purchasing organization that allows authorized governmental entities in any state to piggyback on this contract when RI Purchases piggy-backs this contract.

**Who can use this contract:**

Statewide Applicability. This contract may be used by all public agencies as authorized by law, unless otherwise excluded in the contract.

**Agency Instructions:**

Update Policy: Sharp representatives, agencies are last updated on 9/14/2016.

**Local Authorized Dealer:**

Sharp Plaza, Box 8, Marlborough, MA 01752.

- Please channel your PO through proper ordering and installation.
- Agencies should choose a 3,000-3,400 for standard use.
- All orders should contain the P.O. number for proper ordering and installation.

**Vendor contact Information:**

- Name: Nancy Lewis
- Tel: 954-434-1012
- Email: Nancy.Lewis@adj.com
Department of Administration ODEO Team:
One Capitol Hill
Providence, RI 02908

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Elvys.Ruiz@doa.ri.gov