

2012 Annual Report

Florida Advisory Council on Small and Minority Business Development

Fiscal Year 2011 - 2012



Cheryl S. Gonzalez, Chair | Alison K. Jimenez, Vice-Chair

Forward



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When it comes to taking care of business, there is no magic bullet to make progress other than persistence, perseverance and simply doing the right thing. The Florida Advisory Council on Small and Minority Business Development, referred to in this document as “the Council” and/or “FACSMBD,” again seeks to synergize the mammoth task of incorporating business inclusion in economic development efforts statewide, with a special emphasis on businesses domiciled in Florida.

Pursuant to Florida Statute 287.0947, the Council advises and assists the Secretary of the Department of Management Services (DMS) in carrying out the Secretary’s duties with respect to small and minority businesses as well as economic and business development. Council membership includes practitioners, laypersons, financiers, and others with business development experience that can provide invaluable insight and expertise for this state in the diversification of its markets and business opportunities.

We are pleased to report on outcomes, which reflect the powers and duties of the Council. They include, but are not limited to: researching and reviewing the role of small and minority businesses in the state’s economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of Section 187.201 (21), Florida Statutes, requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the Secretary, and the Legislature on matters relating to small and minority business development, which are important to international strategic planning and activities of this state.

As volunteer public servants, we believe that our best efforts can and will make a difference when it comes to operating in a business inclusion paradigm. Our vision is principled delivery of products, goods and services of all types needed by state agencies and quasi-state entities that result in a better, more vibrantly inclusive Florida.

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Executive Summary

The Council strictly adhered to its statutory duties. Accordingly, this annual report outlines the Council's work, outcomes and recommendations for fiscal year 2011-2012.

The Council's membership was filled with professionals that provide a wide variety of perspectives with the support of the State of Florida Department of Management Services. The Council engaged in strategic planning to provide a framework for the task at hand. Furthermore, By-Laws and Procedures were finalized to ensure its proper functioning. The sub-committee structure was reorganized to better align with the mission. The sub-committees addressed issues ranging from data-mining to capital access.

While the Council is the only statutory body charged to assist small and minority-business enterprises (SMBEs), the Council is not alone with that goal. The Council has actively reached out to other organizations, both public and private, to further the mission. Most significantly, the Council negotiated a Memorandum of Understanding with Enterprise Florida, Inc. (EFI) to further the mutual aspiration of improving the economy, business and regulatory climate in Florida for SMBEs for contracting and procurement opportunities, outreach, and access to capital.

Future Prospects

The recommendations and guidance noted follow the Council's direction it believes State of Florida officials and administrators should support through legislation, policy and/or rule:

- Support and approve legislation to establish a Direct Support Organization as the new vehicle to implement the mission of the Secretary of the Department of Management Services in support of small and minority businesses per current statutory definitions.
- Align legislation, considering current political and business climate, for optimal relevancy, credibility and accountability with business inclusion principles as integral to the functionality of state government with respect to credit needs for small businesses, access to the marketplace, and procurement.
- Adopt public policies and legislation that effectively and genuinely impact procurement, business development, economic development, and job creation in a business inclusive paradigm.
- Support Florida's vibrant microenterprises as part of the small business economic development continuum.
- Create equity capital opportunities for small businesses through tools considered non-traditional among small businesses such as private placement memoranda, capital formation and business incentives.
- Track EFI's capital programs to ensure inclusion of all of the state's small and minority business enterprises (SMBEs).

Adhering to the Charge in 2011-2012

Small and Minority Business Enterprises in the State's Economy

Memorandum of Understanding with Enterprise Florida, Inc.

The Council recognized the importance of networking with other organizations that promote economic development in Florida. Enterprise Florida, Inc. (EFI) is the principal economic development organization for the State of Florida, designed and structured as a public-private partnership for the express purpose of improving the quality of life for Floridians through the enhancement of the state's economy and economic competitiveness in the global economy (§288.901(2) F.S.). The Minority and Small Business, Entrepreneurship and Capital division (MaSBEC) of EFI is the business unit charged with improving the economic, business and regulatory climate in Florida for minority, small business and entrepreneurial firms. MaSBEC's objective is to provide critical resources and support to these entities directly and in collaboration with strategic partners throughout the state.

In the spring of 2012, the Council negotiated a **Memorandum of Understanding** with EFI to further the mutual aspiration of improving the economy, business and regulatory climate in Florida for small and minority businesses relative to public and private sector procurement opportunities, access to capital; and other business development resources. This is especially important because as the leading economic development organization in Florida, EFI manages the state's capital programs on behalf of the state's Executive branch and coordinates with stakeholder organizations such as the local economic development councils, WorkForce Florida and the Department of Economic Opportunity (DEO).

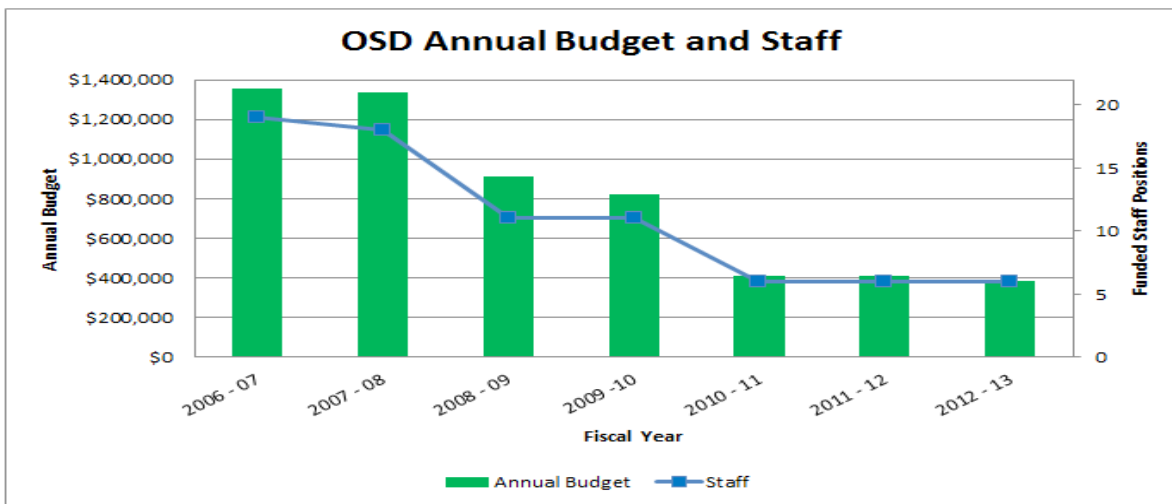
As of the end of fiscal year 2011-2012, the execution of the MOU was pending.

Proposal to Establish a Direct Support Organization

In light of the changed contracting and procurement paradigm following One Florida, the Council worked on a new structure for the State of Florida Department of Management Services (DMS) to meet its mission for small and minority business development, namely, a **Direct Support Organization**.

The Direct Support Organization is the Council's recommendation because of its stance that the current structure places the DMS Office of Supplier Diversity's performance success at risk. OSD's current function is to improve business and economic opportunities for Florida's small businesses inclusive of minority-, women-, and veteran-owned enterprises as defined in Florida's statutes. Its specific functions include certification of business enterprises, advocacy and outreach, matchmaking activities; and staff support for the Council.

During 2011-2-12, the OSD budget and staffing levels did not change. While this is positive, it is important to note that workload increased with the requirement to support the newly established Florida Veteran Business Enterprise Program. Should decreases in budget and staffing levels resume, the effectiveness of OSD will be impaired. Even now, the Council hopes to acquire interns to support OSD and to provide committee management assistance to Council committee chairpersons.



The Council recommended the establishment of a Direct Support Organization within DMS. The Direct Support Organization would assume leadership for small business advocacy, development, and participation in the state’s procurement process, and allow:

- Operation as a Florida not for profit corporation, incorporated under provisions of Chapter 617, Florida Statutes;
- An organizational framework to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the State’s pursuit for business inclusion in its programs and operations;
- Savings to the state; and at the same time, yield a more viable, value-added unit that can be leveraged for Florida’s quest for job creation, economic vibrancy and open marketplace.

Advocating strengthening and stabilizing OSD to effectively assist the state’s objective of equity in contracting and procurement continued during fiscal year 2011-2012. The Council’s recommendation to establish a Direct Support Organization, in summation, provides the right venue to optimize performance and realize full implementation of the State’s small and minority business goals, objectives and initiatives.

Researching Issues and Emerging Topics

The Research and Emerging Trends Committee, chaired by Barbara Melvin (Wells Fargo Bank) and co-chaired by George Owen (Regions Bank), reviewed and led dialogue on timely topics impacting small and minority business economic development. To assist with this endeavor, several articles and reports were reviewed and circulated to benchmark best practices for business inclusion in California, Minnesota and Virginia. The Council also reviewed reports on state banking and financial districts in New York and California, *Florida Trend* magazine, the U.S. Small Business Administration and U.S. Reserve Bank of Atlanta small business policy studies and trends, and received an update on capital formation by a Council stakeholder.

Key areas of concern included (1) the alignment of legislative language to fit Florida’s business landscape, and (2) refining Florida’s definition of a “small business” and “minority.” Concerns noted were that “small business,” as used in this state, appears to marginalize the needs of businesses at the beginning of the continuum. For example, the thousands of businesses with fewer than ten employees that make valuable contributions to the state, also known as microenterprises, often are overlooked within the small business framework.

Florida's contracting and procurement data retrieval process presents reporting and tracking challenges. Typically, utilization or progress reports depict and compare data based on race/ethnicity demographics as one element, and gender (male/female) as a separate, distinct element. Instead, Florida tracks the attainment of procurement contracts in a manner that skews results and causes confusion because existing state statutory language allows the total aggregation of gender data for women-owned businesses and race/ethnicity data elements.

The Council seeks to rectify this by promoting new definitions that can result in enhanced understanding of the full continuum of businesses classified as "small" through the legislative process. Recommendations based on individual and collective research and experiences, coupled with feedback slated to be gathered from various statewide constituent groups, will be prepared for use during fiscal year 2012-2013.

Reviewing Access to Capital and Credit Needs

Individuals from the financial sector were added to the Council in 2012. This strengthened its capacity to study the ability of financial markets and institutions in Florida to meet small business credit needs, and determine the impact of government demands on credit for small businesses.

Of significance, the Council endorsed a white paper that called for increased capacity of small businesses to raise capital from family and friends. The document was reviewed by the staff of former Senate President Mike Haridopolos. Although this was not a legislative priority in 2011-2012, the Council expects to pursue the use of equity, instead of debt-based capital tools for SMBEs, such as private placement memoranda, incentives and capital formation as a matter of policy. The Council is also interested in the state's overall investment in small and minority business as a function of total dollars invested for business development, recruitment and retention.

Options will continue to be reviewed and guidance will be provided based upon findings of the Council. We will conduct research, and dialogue with appropriate public and private sector business and economic development entities, the small business community, and practitioners.

Assessing Implementation of the State's Comprehensive Plan

One of the duties of the Council is to assess the implementation of the state economic development comprehensive plan as it relates to small and minority businesses (§287.09479(5), F.S.) The state economic development comprehensive plan is contained in the State Comprehensive Plan (§187.201(21), F.S.)

To begin this process, the Council acquired the support of Wendy Grey Land Use Planning LLC of Tallahassee. Grey facilitated the Council's work of identifying relevant policies in the economic development comprehensive plan, and organized them into six categories as follows:

1. Business and Job Development
2. Promoting Florida's Attractiveness as Place to do Business
3. Training and Workforce Development
4. Protecting Florida's Environmental Assets
5. Non-Discrimination
6. Support for Working Families.

The Council then identified specific interests relevant to small and minority businesses for each policy. In 2013, the Council will complete its analysis of the economic development comprehensive plan, establish desired outcomes, and develop measures for tracking the implementation of policies.

In addition to beginning the analysis of Florida's economic development comprehensive plan, the Council also took advantage of opportunities to participate in statewide strategic planning efforts. In 2012, the Florida Department of Economic Opportunity's (DEO) Division of Strategic Business Development undertook the creation of a five-year statewide strategic plan designed to help guide the future of Florida's economy. DEO, in collaboration with EFI, developed the strategic plan in close coordination with Workforce Florida, Florida Chamber Foundation, local

governments, local and regional economic development councils, the business community, educational institutions, and other local, state and federal entities.

Pending their availability, some Council members participated in economic development summits conducted by DEO, in collaboration with EFI. They provided feedback regarding key focus areas of interest to small and minority businesses based on the “six-pillars” as presented. Several of the Council’s recommendations are incorporated as strategies in the 2012-2017 statewide strategic plan. These include the following:

Strategy 5: Align education and workforce development programs to foster employment opportunities and develop and retain talented workers with the skills to meet current and future employer needs.

Strategy 20: Reduce barriers to small/minority business and entrepreneurial growth.

Strategy 21: Expand opportunities for access to capital for businesses throughout their life cycle.

In the coming year, the Council will continue to participate in statewide economic development efforts as appropriate to advocate for the interests of small and minority businesses.

Reasonableness and Effectiveness of Efforts of State Agencies

Council members met in Sarasota in January 2012 for a strategic planning session to brainstorm recommendations to improve state procurement and contracting outcomes reported by state agencies, which is a major concern of various constituent groups. The meeting was facilitated by Tracy Small and Victoria Zepp of National Strategies LLC on a pro bono basis, as arranged by former Secretary Jack Miles and Chief Procurement Officer Kelly Loll. After discussing the needs of small businesses in terms of preparation, training, negotiations, capitalization and networking, the takeaways from the planning session included the following to assist those businesses *ready to perform and sell to state agencies*:

- **Some state agencies appear unclear of the message from the top with respect to business inclusion.** History reflects that when the voice of executive leadership sets the expectation for state agencies to increase the amount of “state spend” with SMBEs in a gender/race neutral environment, state agency personnel listen and comport with the expectations. SMBEs can and do compete for state business, yet, there is room for improvement in their participation and outcomes, especially for the race/ethnicity category. The Council also notes that there is work to do to turnaround the perception that many women-owned businesses operate as fronts.
- **The playing field for small and minority businesses is not level as some think.** Certification, as traditionally conducted, should devolve over time into data mining of all business seeking to do business with the state. Currently, information is collected from businesses that register with the state upfront and utilization reports already detail spending with non-certified minority business enterprises. To continue doing business in the same manner as it has for decades is to accept that no other salient and relevant solution exists. The Council believes that active monitoring, assessing outcomes, and implementing new steps for improvement through the *Plan + Do + Check + Act* model will be rewarding assistance to SMBEs striving to overcome barriers or “extra steps” in Florida where preference-based procurement practices are non-existent for lack of a disparity study.
- **Outreach should continue to assist SMBEs able and ready to compete for state contracts and procurement opportunities.** While government has its role, SMBEs need to shore up their game, as one Council member stated. The Council strongly encourages SMBEs to do their share of outreach for business development. The Council also believes that outreach, through networks and collaboration with local, state, federal, non-profit and private resources; incentives for smaller Florida based businesses should be considered; assets of each network/resource to complement outreach and outcomes should be mapped, to create an environment for SMBEs to compete. The Council desires greater transparency, openness.

- The regulatory environment for SMBEs is a mixed bag. The Council believes that aligning outdated state statutes and policies to reflect today’s climate for activities is an imperative. In the end, Florida must and should create an environment where SMBEs can compete for business whether or not they do.

In addition to the Council’s review of measures to allow for progress in state purchasing, a State Agency Vendor Diversity Committee, chaired by Rhett Frisbie (Florida Lottery), was formed to focus on identifying and sharing best practices for assisting minority business enterprises. The committee’s recommendations to the Council for state procurement staff are:

- Cooperate with, support, and assist the OSD in carrying out its responsibilities, to ensure positive outcomes and procurement/access to the public sector marketplace.
- Identify industries and categories of services where pursuit of SMBE opportunities should be considered to improve access to the public and private sector marketplace as applicable.
- Implement contracting strategies that enhance small business opportunities in large DMS state term contracts as well as agency level contracts as sub-tier vendors.
- Increase visibility of state procurement staff to the vendor community.
- The Council will continue to monitor and provide guidance on legislation, which may improve small, minority and entrepreneurial initiatives that impact economic development, business growth and job creation.

Advising the Governor, Legislature and DMS Secretary

The Council informed the Governor and Lieutenant Governor, Members of the Legislature and the Secretary of DMS on matters relating to small and minority business development. The Council collaborated with key staff of the Executive and Legislative branches of government.

Outreach



Tallahassee Regional Match-Maker 2012 – Small Business Week with Kevin Brown (DMS), Chair Gonzalez and Loll.



Florida’s Chief Procurement Officer Kelly Loll meets with small business owner at NASPO one-on-one in Orlando.



Loll meets with out of state vendor interested in leveraging his business ties in Florida during NASPO meeting – April 2012.

Council members participated on panels that gave exposure to state and national stakeholders. Press releases were issued by the Council to enhance awareness of its activities and recommendations. Council members responded individually and collectively when called upon.

Council Members took an active role in the 2011 Matchmaker Conference Workshop Program Committee. Former Council member LaRae Floyd (Broward Health) led the introduction and development of the Healthcare Procurement Track, soliciting panel participation from healthcare supply chain professionals from across the State, and facilitated interactive panel discussions. This new healthcare track was designed to assist small and minority businesses with navigating the healthcare supply chain paradox and seeking procurement opportunities. The track covered various topics, such as: Vendor Credentialing & Registration, Value Analysis & Standardization, GPO Contracting, HIPPA, JCAHO, AHCA, and ICRA requirements. All of these requirements are unique to the demands of healthcare procurement, including healthcare construction. Panelists discussed specifics according to their respective healthcare system/organization. The Healthcare Procurement Track was one of the most well attended and received sessions.

During the 2012 Florida Legislative Session, the Council benefitted by an association with RAISE Florida Network to submit a White Paper for review regarding capital formation for small businesses to the House Speaker and Senate President. During the same time, the Council Chair Gonzalez and OSD administrator Thad Fortune participated in a panel discussion about needs of small and minority businesses at the invitation of the Florida Conference of Black State Legislators in February 2012.

In April 2012, Florida was host to a **NASPO: “How to Market to State Governments Meeting”** in Orlando. Kelly Loll, Chief Procurement Officer, facilitated the Council’s participation by invitation to help plan two small business tracks. In addition, Council members Carlos Rodriguez (Maverick Constructors) and Chairwoman Gonzalez (University of North Florida) participated as guest panelists. NASPO, the acronym for National Association of State Procurement Officials, in cooperation with GOVERNING Magazine, sponsors these meetings throughout the country for suppliers interested in learning state procurement laws, policies and procedures.

The following Council members also joined the chairwoman during the Tallahassee Regional MatchMaker during Small Business Week – May 2012: Anne-Marie Richards (Office Depot) and Ben Harris (City of Tallahassee) as sponsors, program participants and co-hosts. The DMS Office of Supplier Diversity was a primary headliner.

The Council also continued its practice of allowing “Stakeholder Commentary” during regularly scheduled meetings. Stakeholder Commentary offers business leaders, government officials, non-profits and others the opportunity to provide their insight on small and minority business issues as a form of information gathering.

Individuals Who Provided Stakeholder Commentary

June 2012	Secretary Ken Lawson , Florida Department of Business & Professional Regulation
May 2012	April Atkins , AICP, Community Affairs Specialist/Federal Deposit Insurance Corporation
April 2012	Stephanie Gibbons and Barbara Foster , Department of Economic Opportunity-Enterprise Florida, Inc.
March 2012	Jack Miles , Secretary, Department of Management Services
February 2012	Traci Small , Managing Partner, NSI-Florida
January 2012	Kelly Loll , Director, Department of Management Services, State Purchasing
December 2011	William J. Lake , William J. Lake & Associates
November 2011	Peter Harris , Peter Harris & Company, Senior Consultant, Enterprise Florida, Inc., and Founder, Florida Leadership Forum
August 2011	Jeb Bush, Jr. , Chief Operating Officer of Jeb Bush & Associates, and Hispanic Leadership Network
July 2011	G. Nancy Allen , President and C.E.O., Women’s Business Development Council of Florida

Council Structured to Meet Operational Needs

At the beginning of the fiscal year, four of the positions were vacant. The Council, in conjunction with the DMS Secretary, sought qualified individuals from a variety of backgrounds to take upon these roles. Twelve new members were named in the fall of 2011 while six existing members were reappointed to serve. The Council’s membership nearly reached 100 percent in 2012, with an increase from 15 to 18 of an entity comprising 19 members per statute. Appointees provided expertise and insight that represents state government agencies, corporate supplier diversity programs, financial services firms, and SDBEs.

With added members, the Council revamped its committee structure to effectively address its statutory duties, drafted its Internal Bylaws and Procedures, and called for active committee work and attendance.

2011-2012 Committee Chairs

Annual Report – Ms. Alison K. Jimenez

Budget/Legislative – Hon. Al Lawson and Mr. Ben Harris

State Strategic and Comprehensive Planning – Ms. Cheryl Gonzalez

Internal Procedures and Bylaws – Mr. Franklin Cross and Ms. Cheryl Gonzalez

Outreach/Communications – Mr. Dale Coxwell

Research/Emerging Trends – Ms. Barbara Melvin, Mr. George Owen and Atty. Lisa Heron Colon

State Agency Vendor Diversity – Mr. Rhett Frisbie

Regular Council meetings are open to the public and the dates and times of meetings can be found at http://www.dms.myflorida.com/other_programs/office_of_supplier_diversity_osd.

Accomplishments and Status of Previous Recommendations

In addition to achievements noted in prior report sections, the Council:

- Advocated for the appointment of an Executive Director for the OSD, which has been without a Director since March 2010.
- Advanced its proposal for public/private funding of \$150,000 to conduct an objective small business participation study on state spending that will be similar to one conducted by and for The Florida State University that is gender and race neutral.
- Advocated for change of existing legislation regarding exemptions to current Florida law in order to allow small business entrepreneurs to raise capital to start, develop or strengthen their businesses similar to the State of New York and South Carolina, including advertising the same to the public.
- Reviewed the state's adherence to the settlement agreement due to a lawsuit brought by the Florida Associated General Contractors Council, Inc. and the South Florida Chapter of the Associated General Contractors in the United States District Court for the Northern District of Florida (Civil Action Number 4:03CV59-SM). Informed stakeholders that Executive Order 11-04 affirms One Florida.
- Continued encouraging certification reciprocity amongst certification granting organizations and local governments to the extent that the state does not have liability with such arrangements and state certification in its present form.

Other Recommendations

The recommendations and guidance noted follow the Council's direction it believes State of Florida officials and administrators should support through legislation, policy and/or rule:

- Support and approve legislation to establish a Direct Support Organization as the new vehicle to implement the mission of the Secretary of the Department of Management Services in support of small and minority businesses per current statutory definition.
- Align legislation, considering current political and business climate, for optimal relevancy, credibility and accountability with business inclusion principles as integral to the functionality of state government with respect to credit needs for small businesses, access to the marketplace, and procurement.
- Adopt public policies and legislation that effectively and genuinely impact procurement, business development, economic development, and job creation in a business inclusive paradigm.
- Support Florida's vibrant microenterprises as part of the small business economic development continuum.
- Create equity capital opportunities for small businesses through tools considered non-traditional among small businesses such as private placement memoranda, capital formation and business incentives.
- Track EFI's capital programs to ensure inclusion of state's SMBEs.

Conclusion

Narrowly tailored advice and guidance will be provided throughout fiscal year 2012-2013 that falls within the framework articulated in this 2011-2012 Annual Report. The primary question to state officials is, "What is Florida's position with respect to small business inclusion along the full continuum?" The Florida Advisory Council on Small and Minority Business Development seeks to deliver responses to grow Florida's economy by ensuring that no small business is left behind.

Council Members

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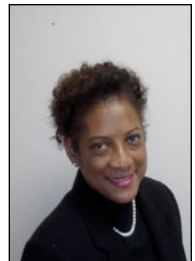
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Advocacy And Outreach

Agency Resources

Certification

Certified Vendor Directory

Programs And Initiatives

Publications

Vendor Resources

Acknowledgements

Craig J. Nichols, Secretary

Department of Management Services (DMS)

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Pam Donaldson, Executive Assistant/DMS
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Jay Robinson, Enterprise Florida
Belinda Rogers, Administrative Assistant III/DMS
Matt Thursam, Walt Disney World
and
Florida Leadership Forum (Tallahassee)
Hispanic Leadership Network (Miami)
NASPO and NASPO Meeting Planners
NSI – Florida, LLC (Tallahassee)
Office Depot (Boca Raton)
Small Business Week Committee (Tallahassee)
University of North Florida (Jacksonville)
Wells Fargo (Naples and Sarasota)
William J. Lake and Associates (New York)
and
DMS Office of Supplier Diversity
DMS Office of the General Counsel

