

# Vendor Diversity Agreement Terms

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1. Upon written request from the Lottery, the Contractor will be required to submit a Small and Diverse Business Participation Plan ("Plan") to the Lottery on the implementation of Vendor Diversity practices; with a report on the prior year activities along with any Plan updates provided annually. The Plan and corresponding updates will be at no additional cost to the Lottery.

The Florida Lottery reserves the right to modify reporting requirements during the term of the Agreement as well as waive submission of an annual Plan should the Contractor exhibit good faith efforts as determined by the Lottery.

Failure to timely submit an acceptable Plan, if requested by the Lottery, will result in a delay in payment of the invoiced amount. Additionally, the Lottery at its sole discretion may determine the products and/or services invoiced for during the same period of time of when the Plan is due to not to be satisfactorily performed and payment of the corresponding invoice(s) may be delayed until the Plan has been submitted and approved.

2. The Contractor may obtain information on diverse business enterprises by contacting the Department of Management Services, Office of Supplier Diversity (OSD), 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950 / (850) 487-0915 / [osdhelp@dms.myflorida.com](mailto:osdhelp@dms.myflorida.com).
3. During the Agreement term, the Lottery will provide assistance in identifying procurement opportunities that may be issued for competition to Small, Certified, or Non-Certified Minority Businesses.
4. The Contractor agrees to allow its company information to be posted on the Lottery's web site. At a minimum, the company information will include the company name, contact person name for outreach activities, mailing address, phone and fax numbers, email addresses etc. The Lottery, at its sole discretion, may post the Contractor's Small and Diverse Business Plan as well as the required reports.
5. During the term of the Agreement, the Lottery may identify commodities and/or contractual services opportunities for Small and Diverse Business participation. The Lottery may provide a list of potential vendors that the Contractor will afford an opportunity to participate in providing a quote on the specified commodities and/or contractual services. The Contractor will be required to provide a report to the Lottery on the status of these initiatives, i.e., quoted date, vendors who participated, the outcome etc as outlined in the notification.
6. The Contractor will be asked to consider participating in Lottery identified "Annual Match Maker" expositions with a booth to facilitate one-on-one interaction with small and diverse businesses and enhance outreach initiatives pertaining to the Agreement. Attendance will be encouraged annually.
7. Failure to exhibit good faith efforts in Small and Diverse Business initiatives and outreach efforts may subject future purchases by the Contractor in fulfilling its contractual responsibilities to be coordinated with the Lottery and/or the Office of Supplier Diversity.

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8. Additionally, failure to exhibit good faith efforts may cause the Contractor to be deemed non-responsible in future Lottery or other governmental entity competitive solicitations and subject to termination of the Agreement.
9. It is required that the Contractor, as part of implementing its participation plan, seek to utilize Certified Minority Business Enterprises (CMBEs) in performing services under the Agreement and/or afford the opportunity to provide day-to-day supplies and/or services.
10. A Certified or Non-certified Minority Business Enterprise subcontractor will not be allowed to subcontract any portion or portions of the work back to:
  - a. The Contractor, either directly to or through any other company or firm owned and/or controlled by the Contractor; or,
  - b. Any firm with which the CMBE has a present business relationship. A present business relationship is defined as both firms having some of the same owners or the sharing of space, equipment, financing or employees.
11. CMBE subcontractors will not be allowed to subcontract all or the majority of the sub-contractual portion of the work to another firm or firms. A CMBE subcontractor whose employees perform none of the direct labor or service activities specified in the Agreement will be prohibited from engaging in a sub-contractual agreement with the intent of collecting a broker's fee or commission.
12. Small and Minority Business Participation plans may be re-assessed and updated annually on the anniversary date of the Agreement. The Lottery reserves the right to require more frequent updates or to waive annual updates depending upon the Contractor's performance in outreach initiatives as determined by the Lottery and/or Office of Supplier Diversity.
13. The Contractor will provide to the Lottery a ninety (90) day spending plan on a quarterly basis. The Contractor agrees to allow this spending plan to be posted on the Lottery website as a resource for Small and Minority Business opportunities.
14. The Contractor will provide to the Lottery, on a monthly basis, a report which outlines commodities and/or contractual service expenditures with State of Florida businesses. These reports must include the vendor corporation name, address, summary of items purchase and total dollar amount for the month. The Florida Lottery will verify if the listed vendors qualify as a Certified or Non-Certified Minority Business Enterprise.

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Vendor Name

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Authorized Representative Printed (Typed) Name

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Authorized Representative Signature

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Date