

CHAPTER 5  
BUSINESS ENTERPRISE PROGRAM

**Section 1. Introduction.**

(a) The Business Enterprise Program (BEP) is a program established by the Division of Vocational Rehabilitation (DVR) to create employment opportunities for eligible DVR clients by establishing small businesses on state owned public property. The BEP is also responsible for the administration of Wyoming Statutes 9-2111(a)(iv)(vii) and (viii), regarding the creation, bidding out and contracting of all vending machine sites on State owned public property.

~~Section 2. BEP Small Businesses.~~

~~(a) BEP Qualifications. To qualify for the BEP, an individual must be certified by DVR to be eligible for vocational rehabilitation services.~~

~~(b) Identifying BEP Small Business Sites. BEP, in cooperation with the administrator or governing body, shall identify sites on State owned property where BEP small businesses can be established.~~

~~(c) Types of Small Businesses. BEP, in cooperation with the administrator or governing body of the State owned public property shall determine the type of small business to occupy the small business site.~~

~~(d) Establishing BEP Small Businesses. BEP, in cooperation with the administrator or governing body of the State owned public property, shall remodel and equip the BEP small business site.~~

~~(e) Request for Bid Proposals. After a BEP small business site has been established, BEP shall send out requests for bid proposals for the management of the BEP small business, through the Department of Administration and Information, Procurement Services Division.~~

~~(f) Contract Bid Preference. A contract bid preference shall be given to eligible DVR clients who submit a bid proposal to manage a BEP small business on State owned public or other property.~~

~~(g) Awarding Contracts. BEP shall review and score all submitted bid proposals and award the BEP small business contract to the bidder receiving the highest bid proposal score.~~

~~(h) Tie Bid Proposals. In the event two or more bid proposals tie for the high bid proposal score, all proposers receiving a tie score will be verbally interviewed to negotiate. The contract will be awarded to the bidder who negotiates the most favorable services and terms.~~

~~(i) Set-Aside Fees. A manager of a BEP small business operated on State-owned public property shall pay a set-aside fee assessed against the monthly net sales of the BEP small business. The managers shall also pay a set-aside fee assessed on direct competition vending machine commissions received by the manager.~~

- ~~(i) — all set-aside fee payments shall be paid directly to BEP;~~
- ~~(ii) — the set-aside fee rate for net sales on BEP small businesses shall not exceed ten percent (10%);~~
- ~~(iii) — the set-aside fee rate on direct competition vending machines commissions shall be ten percent (10%);~~
- ~~(iv) — set-aside fee payment shall be due and payable on or before the 15<sup>th</sup> day of the next month;~~
- ~~(v) — the set-aside fee payment shall accompany the monthly BEP small business report which is due on or before the 15th day of the next month.~~

~~(j) Use of Set-Aside Fees. Set-aside fees shall be used by the Business Enterprise Program only for these purposes:~~

- ~~(i) — purchase of initial equipment, stocks and supplies for starting new BEP small businesses;~~
- ~~(ii) — maintenance of equipment; and~~
- ~~(iii) — purchasing replacement equipment.~~

~~(k) Bonding. The manager of a BEP small business shall purchase a bond in the amount required by the bonding company. The bond shall provide for theft coverage of equipment, supplies, and money from the business. It shall be in effect from the first day of business operation.~~

~~(l) Insurance. The manager of a BEP small business shall purchase insurance to protect against liability for personal injury or property damage resulting from the operation of the business.~~

~~(m) Contracting for a Temporary Manager. DVR may contract with any qualified person(s) on a temporary basis to manage and operate a BEP small business in the absence of a BEP small business manager.~~

~~(n) Responsibilities and Obligations of DVR.~~

- ~~(i) a staff member of DVR shall be designated to administer the Business Enterprise Program.~~
- ~~(ii) DVR shall provide each BEP small business manager with a copy of each document relevant to the operation of the enterprise, which will include DVR Rules and Regulations, BEP Policies and Procedures, and the signed contract.~~
- ~~(iii) DVR shall disburse vending machine direct competition commissions to BEP small business managers on a quarterly basis.~~

### **Section 32. Vending Machines Services.**

(a) Identifying Vending Machine Locations. BEP, in cooperation with the administrator or governing body of a vending machine site shall identify locations on the vending machine site where vending machines may be installed and operated.

(b) Types of Vending Services. BEP, in cooperation with the administrator or governing body of a vending machine site, shall determine the type of vending service to be installed and operated at each vending machine's location.

(c) Utility Services for Vending Machines. Neither DVR, nor BEP shall be responsible for providing floor space, remodeling costs or utility services for vending machines.

(d) Request for Bid Proposals. BEP shall solicit bid proposals for the installation and servicing of vending machines at vending machine sites, through the Department of Administration and Information, Procurement Services Division.

(e) Awarding Vending Contracts. BEP shall review and score all submitted bid proposals and award the vending contract to the bidder receiving the highest bid proposal score.

(f) Tie Bid Proposals. In the event two or more bid proposals tie for the vending contract, tie proposers shall submit a second written bid proposal. The vending contract shall be awarded to the bidder who offers the highest commission rate.

(g) Vending Machine Commissions. Commissions from vending machines on State owned public property shall be paid to BEP on at least a quarterly basis.

(h) Use of Commissions from Vending Machines not in Direct Competition. Commissions from vending machines on State owned public properties which are not in direct competition with a BEP small business shall be used for:

- (i) BEP administrative expenses;

- (ii) purchasing of initial equipment, stocks, and supplies for starting new
- (iii) BEP small businesses;
- (iv) maintenance of equipment; and
- (v) purchasing replacement equipment.