



USBLN® Disability Supplier Diversity Program Featured in *Business Law Today* “Obtaining Disability-Owned Business Enterprise Certification”

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WASHINGTON, DC (May 25, 2010) – The US Business Leadership Network’s (USBLN®) Disability Supplier Diversity ProgramSM (DSDP) has been published in the May/June 2010 issue of *Business Law Today* in an article entitled, “Obtaining Disability-Owned Business Enterprise Certification – A Lawyer’s Guide to Supplier Diversity.” The article was written by John D. Kemp, USBLN® Executive Director and General Counsel and Aditi Dussault, Director of Affiliate Relations and Disability Supplier Diversity Program.

An excerpt of the article is as follows:

In today’s competitive business climate, distinguishing yourself, understanding your client’s many needs, and providing outstanding service are all key to getting and keeping business. This article explains (1) the value of obtaining certification as a business owned by individuals with disabilities and (2) what advice to provide to a business considering certification.

The US Business Leadership Network (USBLN) is the national disability organization that serves as the collective voice of over 60 Business Leadership Network affiliates across North America, representing over 5,000 employers. The USBLN helps build workplaces, marketplaces, and supply chains where people with disabilities are respected for their talents, while supporting the development and expansion of its BLN affiliates.

The USBLN recognizes and supports best practices in the employment and advancement of people with disabilities; the preparedness for work of youth and students with disabilities; marketing to consumers with disabilities; and contracting with vendors with disabilities through the development and certification of disability-owned businesses.

The US Business Leadership Network Disability Supplier Diversity Program (USBLN DSDP) offers businesses that are owned by individuals with a disability the opportunity to increase their access to potential contracting opportunities with major corporations, government agencies, and one another. Through the program, businesses can obtain Disability-Owned Business Enterprise Certification and get connected to a nationwide network of corporate and government procurement professionals, disability advocates, and other certified disability-owned businesses.

If you are a lawyer who counts entrepreneurs among your clientele, you are likely to encounter diversity certification programs within your daily work and may be asked to advise clients on certification eligibility and processes. Or you might work for a firm that is eligible for certification and want more information about the benefits of becoming certified. Alternatively, your firm may be in the process of expanding its diversity initiatives and interested in adding diverse-owned businesses to your list of vendors. This article will focus on the USBLN DSDP as a means to address these various perspectives on supplier diversity and connect you to resources about best practices in procurement from diverse companies.

Supplier Diversity Overview

Supplier diversity began in the late 1960s and early 1970s in conjunction with the Civil Rights Movement within the United States. Through executive orders and federal legislation, minority-owned firms were included in opportunities to bid on government projects and those of major corporations supplying the government. Rigorous third-party certification of minority status was needed to reduce incidents of fraud and misrepresentations of the minority status of a business.

The National Minority Supplier Development Council (NMSDC) was formed during the 1970s to certify businesses as Minority Business Enterprises. Since that time, other national organizations have been created to address the needs of different affinity groups, including women, lesbian, gay, bisexual, and/or transgender (LGBT) individuals and individuals with disabilities. These organizations have developed certifications for their respective groups to promote contracting within these segments.

At this time, there is no contract compliance requirement compelling firms to contract with disability-owned businesses. However, many companies are interested in adding disability-owned businesses to their supplier diversity programs to position their company strategically as a leader in disability-inclusion within their industry.

To be eligible for USBLN DSDP certification, a business must:

- Be at least 51 percent owned, operated, managed, and controlled by individuals with a disability or service disabled veterans who are either U.S. citizens or lawful permanent residents;
- Exercise independence from any other business enterprise;
- Have its principal place of business (headquarters) in the United States; and
- Have been formed as a legal entity in the United States.

These certification criteria very closely follow the criteria of certifications offered by other national groups. Clarifying the definition of disability with respect to supplier diversity presented a challenge, as the federal government alone has over 70 definitions of disability. The USBLN definition of disability is based on the Americans with Disabilities Act of 1990, which was intended to mitigate discrimination against individuals with a disability in employment, and the Schedule A Hiring Authority of the federal government, which enables a government agency to use an abbreviated hiring procedure when recruiting an employee with the disability. The USBLN defines disability as a physical and/or mental impairment that substantially limits one or more major life activities of an individual and can be demonstrated by appropriate documentation.

This definition of disability includes service-disabled veterans. The USBLN DSDP certification process begins with a business owner making an informed decision that certification is a good fit for his or her business. Then a certification application is completed. The completed certification application, along with required supporting documentation (including business contact, capabilities, historical, financial, and governance information), is then submitted to the USBLN. Once a completed application is received, the business undergoes initial review by a certification committee and then a site visit is scheduled. After completion of the site visit, a final review and vote on the application is completed by the certification committee. At that time, a determination is made about the eligibility of the applicant business for certification, and the decision is provided to the business owner within 10 to 15 business days. There is an annual recertification process. Site visits take place at a minimum of every third year.

Read full article: http://www.usbln.org/pdf-docs/2010_USBLN_Business_Law_Today_5-24-10.pdf

Source: “Obtaining Disability-Owned Business Enterprise Certification – A Lawyer’s Guide to Supplier Diversity,” published in *Business Law Today*, Volume 19, Number 5, May/June 2010. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.

About the US Business Leadership Network (USBLN®)

The US Business Leadership Network (USBLN®) is the national disability organization that serves as the collective voice of over 60 Business Leadership Network affiliates across North America, representing over 5,000 employers. The USBLN® promotes the business imperative of the preparation and inclusion of people with disabilities in the workplace, marketplace, and supply chain while supporting the development and expansion of its BLN affiliates. The USBLN® recognizes and supports best practices in hiring and advancing employees with disabilities, marketing to consumers with disabilities, and encourages contracting with vendors with disabilities through the development and certification of disability-owned businesses. www.usbln.org

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