



New York State Contract Minority/Women Owned Requirements

Presented by:

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What?

New York State – Executive Law Article 15-A

Article 15-A of the Executive Law, signed into law on July 19, 1988, authorized the creation of an Office (now Division) of Minority and Women's Business Development to promote employment and business opportunities on state contracts for minorities and women. Under this statute, state agencies are charged with establishing employment and business participation goals for minorities and women.

MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISE (MWBE):

At least 51% owned and controlled by the minority members and or women;

The minority and or women ownership interest, is real, substantial and continuing;

The minority and or women ownership has and exercises the authority to independently control the day-to-day business decisions;

Independently owned, operated and authorized to do business in New York State.

NOTE: Businesses eligible to participate in the program must be owned and operated by women and or minority group members who are citizens of the United States or permanent resident aliens. Generally they must be in operation for at least one year.



What?

New York State – Executive Law Article 15-A

Section 313: Opportunities for Minority and Women-Owned Business Enterprises (M WBEs)

This section requires the Director to promulgate rules and regulations to ensure that minority and women-owned firms are awarded a "fair share" of state contracts. These rules:

Require contractors to submit a minority and women-owned business enterprise ("MWBE") utilization plan for each of their contracts; require agencies to review these utilization plans for compliance and notify contractors of deficiencies;

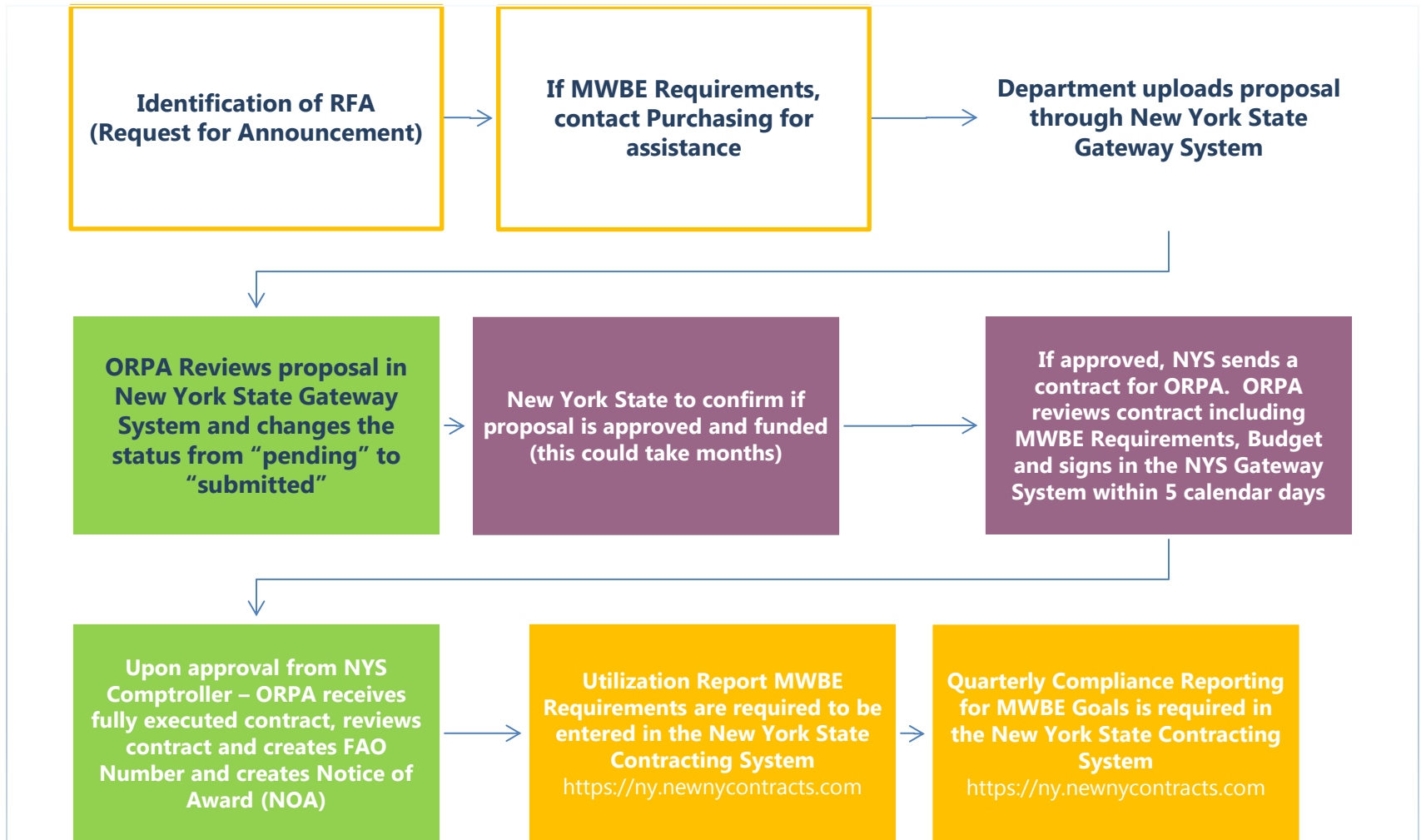
Allow contractors time to correct the noted deficiency and or request a complete or partial waiver of compliance with goal requirements; agencies must evaluate "good faith" attempts to comply in deciding whether to grant or deny waiver requests;

State that failure to correct noted deficiencies in a utilization plan is grounds for disqualifying a bid or proposal, and that the contractor is entitled to a hearing on the record on the disqualification. The decision rendered as to the disqualification is reviewable pursuant to Article 78;

Allow the Director to first attempt to resolve non-compliance complaints before referring the complaint to arbitration; require agencies to include an arbitration consent clause in bid specification;

provide that the Federal law(s) apply where there is a conflict or duplication on the issue of MWBE obligations.

NYS Contract Flow Process



Key Highlights

When do I involve Purchasing?

- ✓ **Intention to submit a proposal**
- ✓ **As soon as you identify your budget** and what you plan to procure so NYS MWBE Certified Suppliers can be identified to meet the required goals or a discussion can take place regarding the submission of a waiver. **Our experience has shown that NYS requires 30% MWBE spend as part of the award requirement.**
- ✓ **Preparing to complete required NYS paperwork** - provide **advance** notification to Purchasing of signature required prior to deadline submission.
- ✓ **If you receive the award** - provide a copy of the Utilization Plan and FAO(s) assigned for future Compliance Reporting.

Purchasing Support

Small Business Liaison Officer, Dan Leyrer

Phone: 275-0824

Email: dan_Leyrer@urmc.Rochester.edu

Role:

- ✓ Provide Minority Supplier Sourcing
- ✓ Sign off on Subcontracting Plans for Subcontracting Goals
- ✓ Submission of NYS Utilization and Quarterly Reports
- ✓ UR Representation at Minority Supplier Matchmaker Events

Resources Available:

✓ **UR MWBE Resources**

<https://www.urmc.rochester.edu/purchasing/guidelines/supplier-diversity.cfm>

✓ **New York State Contract System**

<https://ny.newnycontracts.com/>

NYS Contract System



The New York State Contract System (“NYSCS”) enables users to apply for NYS MWBE certification, search for NYS MWBE certified firms, and easily interact with our State agencies and authorities.

How would I use this site?

- NYS Bid and Grant Opportunities
- NYS Directory of Certified Firms
- Utilization and Reporting Compliance

This is a screenshot of the website's navigation menu, organized into a grid of eight boxes. Each box contains a title, a brief description, and a prominent blue button with white text.

- About**: New York State is working harder than ever to make this state the gateway to attract and grow Minority and Women-Owned Business Enterprises (MWBEs). The New York State Contract System (“NYSCS”) enables users to apply for NYS MWBE certification, search for NYS MWBE certified firms, and easily interact with our State agencies and authorities. Button: **FIND OUTREACH AND SUPPORT**
- NYS Program Notices and Trainings**: Find and register for upcoming MWBE events, trainings, webinars and program related notices. Button: **LEARN MORE**
- MWBE Certification**: Apply for NYS MWBE certification or recertification in New York State, or update your vendor profile. Buttons: **CERTIFY OR RECERTIFY WITH NEW YORK** and **UPDATE YOUR PROFILE**
- MWBE Program Information and Resources**: Find additional information and resources through Empire State Development and the Division of Minority and Women’s Development (DMWBD). Button: **LEARN MORE**
- NYS Directory of Certified Firms**: Search the NYS MWBE Directory of Certified Firms. Button: **SEARCH THE DIRECTORY**
- Account Access**: Lookup Vendor accounts or reset user passwords. Buttons: **VENDOR ACCOUNT LOOKUP** and **FORGOT PASSWORD**
- NYS Bid and Grant Opportunities**: Find contracting opportunities in New York State. Button: **VIEW OPPORTUNITIES**
- System Training**: Learn how to fully utilize our system with a live trainer. Button: **FIND TRAINING**

NYS Contract System



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What you need to know:

- All Utilization Plans **must be submitted electronically** in NYS Contract System.
- All MWBE requirements including how you plan to meet your goals (i.e. 15% MBE/15% WBE) with specific NYS Certified vendors are required to be entered.
- Submission of Quarterly Compliance Reports is required to measure MWBE goals.
- NYS verifies payments reported to the designated MWBE to confirm goal compliance.

NYS Contract System

The screenshot shows a dashboard with a yellow header. On the right, it says "Displaying records assigned to" followed by a dropdown menu showing "your company". Below the header, there are three main sections: "Contract", "Contract Audits", and "Utilization Plans".

Contract			
Total			101
Open			92
Soon to end (3 mo)			2
Closed			9

Contract Audits			
	Total	< 90 days	> 90 days
Total Audits	471	10	461
Incomplete Audits »	22	5	17

Utilization Plans		Total
Approved »		10

- Utilization Plans and Quarterly Audits are managed and tracked in the New York State Contract System with deadlines
- Notifications are submitted from NYS for Utilization Plans or Compliance Audits that are due.
- If you are not receiving notifications and would like to, we can update the NYS System to include your contact information.

New York State DOH Forms

Form #/Name	Responsible to Complete and Submit	Assistance	Resources
MWBE Form #1 – MWBE Utilization Plan	Person Submitting the Plan	Purchasing for MWBE Suppliers	https://ny.newnycontracts.com/
MWBE Form #2 - MWBE Waiver Request	Person Submitting the Plan	Purchasing for Signature	
MWBE Form #4 – MWBE Staffing Plan	Person Submitting the Plan	HR Compensation	
MWBE Form #5 – Equal Employment Opportunity Statement	Person Submitting the Plan	Purchasing for Signature	

Questions?

