

New York State Education Contracts with M/WBE Goals

Contractor Requirements and Procedures for Equal Employment and Business Participation Opportunities for Minority Group Members and Certified Minority/Women-Owned Businesses on New York State Education Contracts.

ESTABLISHED GOALS FOR THIS CONTRACT ARE AS FOLLOWS:

MINORITY OWNED BUSINESS PARTICIPATION	5%
WOMEN OWNED BUSINESS PARTICIPATION	5%

In accordance with Article 15-A of the New York State Executive Law (Participation by Minority Group Members and Women with Respect to State Contracts) and in conformance with the Regulations promulgated by the Minority and Women's Business Development division of the New York State Department of Economic Development set forth at 5 NYCRR Parts 140-145, the Contractor agrees to be bound by the following to promote equality of economic opportunities for minority group members and women, and the facilitation of minority and women-owned business enterprise participation on all covered New York State Education Department (NYSED) contracts.

M/WBE UTILIZATION GOAL REQUIREMENTS FOR NYSED CONTRACTS

Pursuant to Article 15-A of the New York State Executive Law and Regulations adopted pursuant thereto, NYSED has established separate goals for participation of New York State Certified Minority and Women-Owned business enterprises for all State contracts. NYS is required to implement the provisions of Article 15-A and 5 NYCRR Part 143 for all State contracts (1) in excess of \$25,000 for labor, services, equipment, material, or any combination of the foregoing and (2) in excess of \$100,000 for real property renovations and construction. As a condition of this procurement, the Contractor and NYSED agree to be bound by the provisions of §316 of Article 15-A of the New York State Executive Law regarding enforcement.

1. Equal Employment Opportunity - Staffing Plan (Form EEO 100).

Once a contract has been awarded, the Contractor is responsible to update NYSED on any changes to the Staffing Plan submitted. This information is to be submitted on a quarterly basis during the life of the contract to report any changes to the actual workforce utilized in the performance of the contract broken down by the specified categories listed including ethnic background, gender, and Federal occupational categories. The Staffing Plan must be submitted to report this information. Separate forms are to be completed to document any changes in staff for the Contractor and any subcontractor performing work on the contract.

Please note that in all instances, the Contractor may not be able to separate out the workforce utilized in the performance of the contract from the Contractor's and/or subcontractor's total workforce. When a separation can be made, the Contractor shall submit the Staffing Plan and indicate that the information provided related to the actual workforce utilized on the subject contract. When the workforce to be utilized on the contract cannot be separated out from the Contractor's and/or subcontractor's total workforce, the Contractor shall submit the Staffing Plan and indicate that the information provided is the Contractor's total workforce during the subject time frame, not limited to work specifically under the contract.

Requirements and Procedures Regarding Business Participation Opportunities for Certified Minorities and Women on NYSED Contracts

In accordance with Article 15-A of the New York State Executive Law and regulations adopted pursuant thereto, the following forms are required to ensure compliance with the Minority and Women-owned Business participation requirements. In accordance with these requirements, the Contractor agrees to make every good faith effort to promote and assist the participation of New York State Certified Minority and Women-Owned Business Enterprises (M/WBE) as subcontractors and suppliers on this contract for the provision of services and materials. The directory of New York State Certified Businesses and additional information can be found at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>.

In addition, the Contractor agrees to submit the following documents, which can be found at www.oms.nysed.gov/fiscal/MWBE/forms.html, as evidence of compliance with the foregoing:

- 1. M/WBE Utilization Plan (Form M/WBE 100).**
Contractors are required to submit a Utilization Plan on **Form M/WBE 100** with their bid or proposal. The Utilization Plan shall list NYS Certified Minority- and Women-Owned Business Enterprises which the Contractor intends to use to perform the State contract and a description of the contract scope of work which the Contractor intends to structure to increase the participation by NYS Certified Minority- and Women-Owned enterprises on the State contract, and the estimated or, if known, actual dollar amounts to be paid to a NYS Certified Minority- or Women-Owned business. Any modifications or changes to the agreed participation by NYS Certified M/WBEs after the contract award and during the term of the contract must be reported on a revised M/WBE Utilization Plan, submitted to the NYSED M/WBE Program Unit and approved by the M/WBE Program Unit.
- 2. M/WBE Notice of Intent to Participate (Form M/WBE 102)**
Contractors are required to submit a separate Notice of Intent to Participate for each M/WBE firm on **Form M/WBE 102** with their bid or proposal. The separate Notice of Intent to Participate must be completed by each M/WBE identified on the M/WBE Utilization Plan. Parts A and C must be completed by the Contractor and signed by an authorized representative. Part B must be completed by the NYS Certified Minority Business Enterprise (MBE) and/or Women-Owned Business Enterprise (WBE) and signed by an authorized representative. Any modifications or changes to the agreed participation by NYS Certified M/WBEs after the contract award and during the term of the contract must be reported on a revised M/WBE Notice of Intent to Participate, submitted to NYSED M/WBE Program Unit and approved by the M/WBE Program Unit.
- 3. Quarterly M/WBE Compliance Report (Form M/WBE 103).**
Contractors are required to submit a Quarterly M/WBE Compliance Report to NYSED M/WBE Program Unit. The Quarterly M/WBE Compliance Report is to be completed for the quarters ending on 3/31, 6/30, 9/30 and 12/31 and submitted to the NYSED M/WBE Program Unit within 15 days of the end of each quarter.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, and/or a breach of contract, leading to the withholding of funds or such other actions or enforcement proceedings as allowed by the contract and/or Article 15-A.