



Division of Fiscal Management 10B Airline Drive, Albany, NY 12235 (518)485-8740
E-mail: supplierdiversity@agriculture.ny.gov Website: <https://agriculture.ny.gov/supplier-diversity>

Minority and Women Business Enterprise (MWBE) - Instructions and Requirements

All required forms are included in this packet and can also be found at <https://agriculture.ny.gov/supplier-diversity>.

Questions should be directed to the MWBE Liaison at supplierdiversity@agriculture.ny.gov or 518-485-8740.

For contracts/purchase orders totaling more than \$25,000, contractors are required to submit a MWBE and EEO Policy Statement & either a MWBE Utilization Plan or a Request for Waiver prior to contract execution.

MWBE EEO1 MWBE AND EEO Policy Statement

By signing the *MWBE EEO1 MWBE AND EEO Policy Statement* the Prime Contractor acknowledges and accepts the NYS MWBE and Equal Employment Opportunity policies set in their contract. All contractors must confirm their acceptance of these policies by signing the statement at the bottom of the first section.

When completing the Goal Statement portion of the form, the percentage amounts should reflect the MWBE goals found in either *Attachment A-1-Program Specific terms and Conditions* (Grants Gateway contracts) or *Appendix E* (most other contracts). The MWBE Liaison can assist you if you have difficulty locating the contract goals.

Identifying New York State Certified MWBE vendors

The standard Department goal is a total of 30% MWBE participation with 15% assigned to NYS Certified minority-owned business enterprise ("MBE") and 15% assigned to NYS Certified women-owned business enterprise ("WBE"). The Prime contractor must search the Empire State Development Corporation's Directory of Certified MWBE Vendors at <https://ny.newnycontracts.com/Default.asp?TN=ny&XID=5320MWBE> to locate possible vendors.

If a NYS Certified MWBE vendor is found:

The *MWBE EEO4 MWBE Utilization Plan* must be completed and submitted by the prime contractor.

If a NYS Certified MWBE cannot be found or the prime contractor can only meet a portion of the goal, a total or partial waiver of the 30% goal may be requested.

The *MWBE EEO5-1 Request for Waiver Form* must be completed and submitted by the prime contractor. In addition, the prime contractor must demonstrate their need for a waiver by also submitting one of the following forms:

- a) ***MWBE EEO5-3 MWBE Contractor Good Faith Efforts Certification*** – The prime contractor must clearly illustrate the attempts made to identify certified MWBE vendor. This can be written at the bottom of this form or can be provided on a separate memo and should include documentation compiled during the search.
- b) ***MWBE EEO5-5 MWBE Contractor Unavailability Certification*** - This form is only to be used if a MWBE opportunity was identified but they will not perform the work. Please discuss the use of this form with the MWBE Liaison prior to submitting it.

Exemptions and exclusions must be approved by the State, prior to the contractor beginning work on the portion they are requesting be waived of goals.



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Your MWBE Utilization and Reporting Responsibilities Under Article 15-A

The New York State Contract System (“NYSCS”) is your one stop tool compliance with New York State’s MWBE Program. It is also the platform New York State uses to monitor state contracts and MWBE participation.

GETTING STARTED

To access the system, you will need to login or create a user name and password at <https://ny.newnycontracts.com>. If you are uncertain whether you already have an account set up or still need to register, please send an email to the customer service contact listed on the Contact Us & Support page or reach out to the Department’s MWBE Liaison. For verification, in the email, include your business name and contact information.

VENDOR RESPONSIBILITIES

As a vendor conducting business with New York State, you have a responsibility to utilize minority- and/or women-owned businesses in the execution of your contracts, per the MWBE percentage goals stated in your solicitation, incentive proposal or contract documents. NYSCS is the tool that New York State uses to monitor MWBE participation in state contracting. Through the NYSCS you will submit utilization plans, request subcontractors, record payments to subcontractors, and communicate with your project manager throughout the life of your awarded contracts.

There are several reference materials available to assist you in this process, but to access them, you need to first be registered within the NYSCS. Once you log onto the website, click on the **Help & Support**>> link on the lower left-hand corner of the Menu Bar to find recorded trainings and manuals on all features of the NYSCS. You may also click on the **“Help & Tools”** icon at the top right of your screen to find videos tailored to primes and subcontractors. There are also opportunities available to join live trainings, read up on the “Knowledge Base” through the Forum link, and submit feedback to help improve future enhancements to the system. Technical assistance is always available through the **Contact Us & Support** link on the NYSCS website (<https://ny.newnycontracts.com>).

For more information, contact the MWBE Liaison at supplierdiversity@agriculture.ny.gov.