

DEPARTMENT OF STATE (DOS) MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE) PROGRAM

Article 15-A of the NYS Executive Law was enacted on **July 19, 1988**, to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting.

The MWBE requirement applies to Contracts, including Grants, with value over:

- **\$25,000 for commodities/services**
- **\$100,000 for construction**

DOS supports the statewide requirement to provide procurement opportunities for MWBEs.

The **Bureau of Fiscal Management** administers the Department of State's **MWBE Program**.

HOW DOES IT APPLY TO YOU?

Under **5 NYCRR §142.8**, DOS contractors are required to make "**Good Faith Efforts (GFE)**" to provide meaningful participation to MWBEs as subcontractors or suppliers in the performance of their contracts.

DOS aspires to meet our agency wide MWBE goal of **30%** utilization.

Your contract's specific MWBE goals can be identified in the **RFA** and/or the **budget page** in your contract.

YOUR CONTRACTUAL MWBE REQUIREMENT IN THREE (3) STEPS

STEP 1 - Utilization Plan Submission

Within ten (10) days of receipt of Notice of Award, you must submit:

1. **Form A** - MWBE/EEO Policy Statement (required even if waiver/pre-contract waiver request approved).
2. **Form B** - Staffing Plan - **applies when grant amount is above \$250,000** (required even if waiver/pre-contract waiver request approved)
3. **Form D** - MWBE Utilization Plan (required if MWBE subcontractors/vendors already selected)
OR
Form D-1 - MWBE Compliance Certification Letter (required if MWBE subcontractors/vendors not yet selected).

Notes:

- MWBE Utilization Plans (Form D) **must list the MWBE firms you will actually utilize to meet your contractual MWBE goals.**
- The DOS MWBE Program will review, make a determination on MWBE Utilization Plans and notify you.
- In case of changes to an approved MWBE utilization plan, a revised MWBE Utilization Plan Form D must be completed and submitted to the DOS MWBE Program at dos.sm.mwbe@dos.ny.gov.
- If you submit a completed MWBE Compliance Certification Letter (Form D-1), you will be required to submit a completed MWBE Utilization Plan Form D within two (2) weeks after selection of any vendor or subcontractor for the provision of MWBE applicable purchases or contractual services.
- Whenever applicable, you may be asked to electronically enter your utilization plan data in the NYS Contract System (see Step 2 on next page).

STEP 2 - Use of the NYS Contract System (system)

Once your contract is executed, you can set up a user account in the system to:

- Submit your utilization plan data through the Statewide Utilization Management Plan (SUMP) module of the system, *if notified to do so*.
- Report payments made to your subcontractors through the Contract Compliance Management (CCM) module of the system.
- Track transactions on your contract, manage users and communicate with your DOS Project/Program Analyst.

Notes:

- The system is located at <https://ny.newnycontracts.com/>.
- For assistance with accessing the system or looking up your user account, contact your DOS Program/Project Analyst or the DOS MWBE Program.

STEP 3 - Reporting of MWBE Utilization

Throughout your contract term, you must report your achieved MWBE utilization:

- **Form F** - Quarterly MWBE Contractor Compliance Report, on a quarterly basis (required when you don't have access to the system).
- OR
- **Online reporting through the NYS Contract System** (required when Form F is not being submitted - *see above*).

Note:

For assistance with reporting your MWBE utilization, either on paper form or online, contact your DOS Program/Project Analyst or the DOS MWBE Program.

ADDITIONAL INFORMATION

◆ **Only the use of New York State-certified MWBE firms** counts towards meeting your contractual goals. Contact your DOS Program/Project Analyst or the DOS MWBE Program for assistance with identifying MWBE firms.

◆ **Request For Waiver**

You may submit a waiver request (**Form E**), in coordination with your DOS Program/Project Analyst, when:

- Your contract does not offer any opportunity for MWBE participation, or
- You have a thoroughly documented justification of the good faith efforts made to meet your contractual goal.

◆ All the forms are available at <https://dos.ny.gov/supplier-diversity>.



For questions or assistance with achieving and reporting MWBE utilization,
Contact the DOS MWBE Program:
518-474-2754 or dos.sm.mwbe@dos.ny.gov