



DORMITORY AUTHORITY - STATE OF NEW YORK
Office of Opportunity Programs

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**PRE-BID MEETING OUTLINE OF
M/WBE PARTICIPATION REQUIREMENTS**

UTILIZATION PLAN SUBMISSION

Contractors performing work on contracts funded by the Dormitory Authority must comply with the requirements of Article 15A of the Executive Law and Article 20 in the General Conditions. The requirements include submission of a Utilization Plan within 72 hours of notification to the apparent low bidder. The Utilization Plan must list proposed subcontracts and material purchases, including an identification of the ESDC Certified M/WBE's the Contractor intends to use, a description of the services to be provided, and the dollar value of services. **In addition, a completed Scope Verification Form (AAP.10.0) must accompany the plan for each M/WBE subcontractor that is listed on the plan.**

To ensure meaningful participation of Minority and Women Business Enterprises on the Project, the Dormitory Authority has determined that the goal for Minority Business participation shall be ___ % and the goal for Women Business participation shall be ___ % of the apparent low bidder total bid. Utilization Plans must include a combination of M/WBE subcontractors and suppliers.

Submission and acceptance of the Utilization Plan is a pre-award requirement. Contractors who fail to submit an acceptable Utilization Plan can be declared non-responsive and could be disqualified as the apparent low bidder. In addition, failure to submit the Scope Verification Form along with the Utilization Plan will delay the acceptance of the Utilization Plan and the award of the Contract.

N.Y.S. CERTIFIED M/WBE'S

To ensure you are prepared to submit the Utilization Plan within 72 hours of receipt of apparent low bidder notice, you must solicit bids and/or quotes from Minority and Women owned businesses certified by NYS EMPIRE STATE DEVELOPMENT prior to submitting your bid. The Directory of M/WBE's certified by Empire State can be accessed through the EMPIRE STATE DEVELOPMENT website www.empire.state.ny.us. Additionally, a list of interested M/WBE subcontractors and suppliers can be viewed by visiting the Dormitory Authority's website. If you are unsuccessful and require additional assistance locating N.Y.S. certified M/WBE firms you may contact: Mr. Charles Croskey, M/WBE Business Development Outreach Coordinator, Opportunity Programs Group at (212)-273-5115.

RESTRICTIONS

Utilization of a certified MBE or WBE as a pass through or conduit for payments only, is strictly prohibited. Payments to certified M/WBE's shall not be counted toward achievement of the established goals, if the Contractor and the alleged M/WBE subcontractor or supplier cannot clearly demonstrate that such M/WBE's provided services essential in the performance of the Work of the Contract. Additionally, such services must be among those explicitly identified in the NYS Empire State Development's Product/Sic Report for the applicable MBE or WBE.

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**PRE-BID MEETING OUTLINE OF
M/WBE PARTICIPATION REQUIREMENTS (cont'd)**

POST AWARD DOCUMENTATION OF M/WBE PARTICIPATION MUST INCLUDE:

1. Copies of fully executed subcontract agreements or purchase orders which includes specific reference to the applicable Contract.
2. Copies of a detailed Schedule of Values with CSI numbers indicating labor & material breakouts for each line item for M/WBE subcontractors performing work on site.
3. Copies of monthly requisitions for payments prepared by M/WBE subcontractors.
4. Copies of invoices prepared by M/WBE suppliers.
5. The invoices and/or requisitions must explicitly identify services, materials and/or equipment supplied with reference to the applicable subcontract.
6. Proof of payment in the form of cancelled checks or wire transfers of funds (commingling of payments to subcontractors or suppliers for other contracts are unacceptable).

WAIVER REQUESTS

Firms that fail to achieve the M/WBE goals specified in the Contract Documents may submit a request for total or partial waiver of the established goals provided that you have:

1. Submitted a written request for a referral list of certified MBEs and WBEs by trade from the Opportunity Programs Group (OPG) for all subcontracting opportunities.
2. Contacted all the M/WBEs on the referral list(s) generated by OPG to determine their capacity to perform the applicable scope of work.
3. Contacted the MBEs & WBEs included in the list of interested subcontractors & suppliers posted on the Dormitory Authority's website — <http://www.dasny.org/construction/bidops/03C2.php>.
4. Solicited bids from MBE & WBE firms certified by NYS Empire State Development but were unsuccessful in your attempts to negotiate a mutually acceptable bid amount or if such M/WBE firms did not possess the requisite skills and/or experience necessary to perform the needed services.
5. Comply with all other good faith efforts guidelines outlined in the general conditions section of the applicable specifications and respond to those guidelines in an item-by-item format following the numerical sequence as presented.

Failure to adequately document and respond to items 1-5 may result in a finding of non-compliance and rejection of your waiver request.