



## Minority and Women-owned Business Enterprises (M/WBE) Subcontractor FAQs

### Office of Opportunity Programs

- **What are the objectives of the Office of Opportunity Programs?**

The Dormitory Authority of the State of New York , Office of Opportunity Programs is responsible for developing, implementing and evaluating the effectiveness of programs and procedures: (1) to increase the development and utilization of qualified business firms owned by minority group members, women and small businesses through such means as contracting, subcontracting and commodity procurement, and (2) to ensure contractors doing business with the Dormitory Authority employ qualified minority group members and women in positions in which they may have been previously excluded or substantially under utilized.

In terms of statutory requirements, the Office of Opportunity Programs is responsible for ensuring Authority compliance with relevant sections of the Public Authorities Law, Set-Aside Legislation; and Article 15A of the Executive Law.

- **What is Executive Law Article 15-A?**

Article 15-A of the Executive Law was signed into law on July 19, 1988. Under this statute, state agencies are charged with establishing employment and business participation goals for minorities and women. To view a Summary of Article 15-A of the Executive Law ([Click Here](#))

### Goals

- **Do all DASNY contracts have goals for the participation of M/WBEs?**

Construction contracts in excess of \$100,000, Professional Services and Procurement contracts in excess of \$25,000, are subject to M/WBE goal requirements.

- **How are the M/WBE goals established?**

Goals are established based upon geographic location of the project, job trades or service, previous project experience and M/WBE availability.

- **If I am a MBE or WBE can I count myself toward the goals?**

No. Construction contracts in excess of \$100,000, Professional Services and Procurement contracts in excess of \$25,000, are subject to M/WBE goal requirements whether you are a NYS certified M/WBE Prime or not.

## Registration/Certification

- **Do M/WBE firms have to be certified?**

The use of non-NYS certified firms is not acceptable for M/WBE goal attainments. Only MBE/WBE firms certified by Empire State Development Corporation, Division of Minority & Women's Business Development can be utilized to meet M/WBE participation goals on DASNY contracts.

- **How do I become New York State certified?**

To obtain information on becoming certified in New York State as a minority or woman-owned business, contact:

Albany :            Department of Economic Development  
                         Division of Minority and Women's Business Development.  
                         30 South Pearl Street - 2nd Floor  
                         Albany, NY 12245  
                         Phone: (518) 292-5803

New York City:

633 Third Avenue  
New York, NY 10017-6706  
Phone: (212) 803-2411 Fax: (212) 803-3223

- **If my firm is certified by the Empire State Development Corporation (ESDC), is it automatically certified by every Agency and Authority in New York State?**

No. If your firm is NYS certified by the Empire State Development Corporation, you can be utilized for goal attainment purposes by most agencies or authorities in New York State. However, some entities like Port Authority of NY/NJ, Department of Transportation and Metropolitan Transportation Authority have additional certification programs.

- **Where can I obtain a copy of the directory of M/WBEs?**

To see the Empire State Development Corporation, Minority & Women's Business Directory on the Internet, visit their home page, <http://www.empire.state.ny.us> and follow the links to the M/WBE Directory.

- **How can I become registered with DASNY?**

The Dormitory Authority has adopted the Uniform Certification Application and a Supplemental Application Form consisting of 10 simple questions as its registration application. Registration with DASNY is independent of and not related to any other registration, classification or certification by other local, state or federal government departments.

DASNY Registration will only be granted to businesses that have been in existence for at least one year and which are owned and controlled by American citizens, Eskimos and/or Aleuts. If you need assistance with completing the Uniform Certification Application or DASNY's Supplemental Application Form, call Mr. Charles Croskey at (212) 273-5115.

- **What is the benefit of registering my firm with DASNY?**

DASNY registrants are entitled to receive direct Notice to Bidders on DASNY projects and other technical assistance. If you need assistance with completing the Uniform Certification Application or DASNY's Supplemental Application Form, call Mr. Charles Croskey at (212) 273-5115.

## Outreach

- **What initiatives does DASNY take in order to reach out to M/WBEs?**

### DASNY's Annual M/W/SBE Conference

Each year the Dormitory Authority holds a conference dedicated to increasing job opportunities for small, minority and women-owned businesses. The annual conference is an integral part of the Dormitory Authority's Opportunity Programs, designed to assist these businesses in competing for and receiving contracts on Dormitory Authority projects. The conference attracts more than 550 attendees, including 400 attendees from the private sector and more than 100 attendees from the public sector.

Dormitory Authority staff from construction, finance, purchasing and other key units are on hand to answer questions. Many networking opportunities are offered throughout the weekend with key players in New York's public construction industry.

Look for more details on DASNY's website, [www.dasny.org/conference](http://www.dasny.org/conference). If you would like to be added to the conference mailing list, please contact Christina Nicholson at 518-257-3714 or email her at [conference@dasny.org](mailto:conference@dasny.org).

Additionally, DASNY conducts numerous general and project specific outreach activities throughout NYS to encourage M/WBE participation. Various events listed below:

- Association of Minority Enterprises of NY – Annual Conference
- African American Chamber of Commerce of Westchester & Rockland Counties - B2B Conference
- Asian Women in Business – Procurement Fair
- Association of Minority Enterprises of NY - Annual Awards Dinner
- Black & Puerto Rican Caucus - Annual Conference
- Brooklyn Chamber of Commerce - Trade Networking
- Caribbean American Chamber of Commerce - Networking/Membership, 20th Anniversary
- DASNY Furniture and Equipment Commodity Vendor Fair
- DASNY, PANYNJ & BTEANYC - "Benefits of Membership in a BTEA"
- DASNY, THRUWAY, ESDC, OGS - New York State Fair
- National Hispanic Business Group – Business Workshop
- New York Power Authority – Purchasing Exchange
- NYC Dept of Small Business - Procurement Fair
- NYS Association of Black and Puerto Rican Legislative -Annual Conference
- NYS Chapter National Association of Minority Contractors
- OGS “Forging Connections” forum
- One Hundred Black Men/Harlem Business Alliance – Procurement Fair
- Small Business Administration – Procurement Fair
- South Bronx Economic Development Corporation (SoBRO) –Annual Business Expo
- SoBRO - Vendor/Supplier Workshop
- The Competitive Edge – Annual Conference

Outreach activities continued...

- The Regional Alliance for Small Contractors
- The Regional Alliance for Small Contractors – Clearing House
- US Dept. of Commerce - Minority Business Dev. Agency (MBDA) - Procurement Matchmaker
- US Dept. of Commerce - Queens Business & Procurement Expo
- Women Business Council - Awards Dinner
- Yonkers Business Week

#### ■ Technical Assistance

The Office of Opportunity Programs has a contract with two technical assistance consultants. These consultants assist the Dormitory Authority with its outreach activities and provide management and technical assistance to minority, women business enterprises and contractors at no charge to the service recipients. Specific services provided by the consultant include:

- Maintaining a plan room where M/WBEs can review plans and specifications for all full service contracts put out to bid by the Dormitory Authority within the relevant market area;
- Maintaining a construction information library containing building codes, Sweet's Catalog, Thomas' Register, estimating manuals, standard forms, and computer hardware/software to assist in cost estimating;
- Assisting M/WBEs with reading drawings, specifications and other bid documents; quantity take-offs; project pricing and related areas;
- Advising on loan and bond packaging and cash flow estimates;
- Assisting with verification of construction cost estimates, tentative work schedules, identification of staff-power and field supervision requirements and contract management;
- Assisting with post award submittals, including shop drawing preparation, preparation of payment requisitions and change order requests.

#### ■ Who are DASNY's Technical Assistance providers?

The two technical assistance providers for M/WBEs statewide are located:

***(Upstate)***

Beverly J. Jackson, Chief Executive Officer  
RMBDC Inc.  
142 Catherine Street, Albany, NY 12202  
Phone: 518-434-9153

and

595 Blossom Rd., Suite 304, Rochester, NY 14610  
Phone: 585-546-5556

***(Downstate)***

Timothy Marshall, President/CEO  
Jamaica Business Resource Center/ Bradford Companies (JV) in association with Noble Strategy  
90-33 160<sup>th</sup> Street  
Jamaica, NY 11432  
Phone: 212-967-6002

- **Strategic Alliance Partners**

Memoranda of Understanding were executed with a number of New York Minority and Women Contractor Associations and Business Development Centers, collectively referred to as the Dormitory Authority's Strategic Alliance Partners. The Strategic Alliance Partners receive notices of contracting opportunities, and related plans and specifications. The Strategic Alliance Partners distribute the notices to their clients and other interested M/WBEs. They also maintain plans and specifications in plan rooms accessible to M/WBEs interested in bidding as primes or subcontractors. Strategic Alliance Partners have also co-sponsored registration/certification workshops and provide assistance with specific outreach on large capital projects.

**Who are DASNY's Strategic Alliance Partners?**

- (1) African American Chamber of Commerce of Westchester and Rockland Counties, Inc. (AACC)**  
100 Stevens Avenue – Suite 202,  
Mount Vernon, NY 10550  
Robin Douglas  
P: (914) 699-9050  
F: (914) 699-6279  
[robinlisadouglas@cs.com](mailto:robinlisadouglas@cs.com)  
<http://www.africanamericanchamberofcommercenys.org>
- (2) Association of Minority Enterprises of New York, Inc. (AMENY)**  
135-20 Liberty Avenue  
Richmond Hill, NY 11419  
James Heyliger  
P: (718) 291-1641  
F: (718) 291-1887 Fax  
[heylingerj@aol.com](mailto:heylingerj@aol.com)
- (3) Bronx Overall Economic Development Corp. (BOEDC)**  
198 East 161<sup>st</sup> Street – Suite 20`  
Bronx, NY 10451  
Rome Birkett  
P: (718) 537-5261  
F: (718) 537-5262 Fax  
[birkettr@boedc.org](mailto:birkettr@boedc.org)
- (4) Brooklyn Chamber of Commerce**  
25 Elm Place – Suite 200  
Brooklyn, NY 11201-5826  
Ilan Stern  
P: (718) 246-5219 Ext. 2020  
F: (718) 237-4274 Fax  
[IStern@brooklynchamber.com](mailto:IStern@brooklynchamber.com)

**(5) NYS Chapter National Association of Minority Contractors (NYSAMC)**  
63 Flushing Avenue – Unit 310  
Brooklyn, NY 11205  
Lennox Britton  
P: (718) 246-8380  
F: (718) 246-8376 Fax  
[nysamcontractors@aol.com](mailto:nysamcontractors@aol.com)

**(6) South Bronx Economic Development Corporation (SoBRO)**  
555 Bergen Avenue  
Bronx, NY 10455  
Miriam B. Johnson  
P: (718) 732-7540  
F: (718) 292-6645 Fax  
[mjohnson@sobro.org](mailto:mjohnson@sobro.org)

- **How can I view plans & specs?**

DASNY's Strategic Alliance partners and Technical Assistance providers maintain a plan room where M/WBEs can review plans and specifications for all full service contracts put out to bid by the Dormitory Authority.

Additionally, plans and specifications can be purchased through DASNY.

## Opportunities

- **As an M/WBE, how do I get work with DASNY?**

M/WBEs can participate on DASNY projects as: Prime/Subcontractors, Sub-consultants or Suppliers. For more information go to the DASNY website at [www.dasny.org](http://www.dasny.org), select procurement and the type of procurement applicable to your firm. You will find a link to the corresponding opportunities.

The DASNY Technical Assistance providers receive construction bid documents for all projects and are able to assist M/WBEs with review of upcoming Prime or Subcontractor opportunities.

Also, DASNY advertises construction and commodities and services procurement opportunities in the Minority Commerce Weekly and the N.Y.S. Contract Reporter.

## Payments

- **As an M/WBE subcontractor am I guaranteed payment after a certain period of time?**

No. DASNY only has a contractual relationship with the Prime contractor and cannot guarantee payment to any subcontractor. However, the Office of Opportunity Programs verifies M/WBE participation (awards and payment) on all DASNY contracts.

## Bonding & Insurance

- Is bonding waived for M/WBE participants?

No. DASNY retains the right to waive bonding requirements on Construction on some set-aside projects and on projects under \$100,000, (under \$1,200,000 for non wicks projects) and Professional Services and Commodities contracts under \$25,000. However, all necessary insurance policies will still be required even if the bonding is waived.

## Miscellaneous

- As an M/WBE, I have received invitations from contractors to bid on work, but I never get their work. What can I do about that?

When submitting a bid on DASNY contracts the M/WBE should forward a copy of that bid to the Office of Opportunity Programs to inform the office of their intent to participate. Additionally, the M/WBE should contact the contractor to whom the bid was submitted to find out the disposition of that bid.

- My firm was listed on a Utilization Plan and not solicited or utilized. What can I do about that?

To minimize misrepresentation on DASNY projects, the Office of Opportunity Programs forwards a letter to all M/WBEs listed on the accepted Utilization Plan to verify their participation on the project. The letter will contain the following: Prime contractor's name, job location, scope of work, estimated start date and proposed dollar value of the subcontracting or purchasing opportunity.

If your firm is listed on a DASNY approved utilization plan and you are not solicited or utilized on the project, please contact the Office of Opportunity Programs immediately.

- Is M/WBE second-tier subcontracting allowed?

Yes. Second-tier subcontracting is allowed; however, it is not encouraged to Prime contractors. DASNY would prefer a direct relationship between M/WBE its subcontractors and the Prime contractor.

- What happens to General Contractors who have abused the M/WBE program?

Article 15A has an enforcement mechanism in place through ESDC. However, as a compromise, DASNY has established a training and development fund where contractors who do not make a “Good Faith Effort” and are non-compliant with the requirements of Article 15A of the Executive Law contribute to the fund. The training fund is utilized for M/WBE seminars and workshops in Construction, A/E and Procurement.