

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

“GOOD FAITH EFFORTS” GUIDELINES

Construction contracts covered by Executive Law Article 15-A

Contractors are required to ensure that good faith efforts are made to include meaningful participation by Minority and Women-Owned Business Enterprises (MWBE) in the Fund’s construction program. Contractors must be diligent and creative in order to develop a plan that complies with the program. If your firm incurs difficulty, these Guidelines will assist in preparing the documentation required to support your efforts. Responses to the information in the Guidelines must be provided to the Fund’s Opportunities Programs Office in an item-by-item format following the numerical sequence as presented. If you need assistance, please contact the office at: (518) 320-1650.

GUIDELINES:

1. Provide a brief statement of any special circumstances which are preventing NYS certified MWBE firms from participating. Include any documentation you deem relevant which may help us in evaluating your efforts.
2. The names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals related to this contract. Include a list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications.
3. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms <https://ny.newnycontracts.com/> that were solicited for purposes of complying with your certified MWBE participation levels.
4. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations.
5. Telephone logs with details including date, person(s) communicated with and outcome.
6. Provide copies of responses to your solicitations received by you from certified MWBEs.
7. Provide a description of any contract documents, plans, or specifications made available to certified MWBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you and the MWBEs undertaken for purposes of complying with the certified MWBE participation goals.
9. Provide documentation to substantiate quotes that were submitted by NYS certified MWBE firms that were deemed as too high or not cost effective.
10. List efforts made to reasonably structure the scopes of work for purposes of subcontracting with NYS certified MWBEs.
11. Provide a list and include the dates of any pre-bid, pre-award, or other events attended with NYS certified MWBE firms