

MWBE and SDVOB BUSINESS REQUIREMENTS FOR PROSPECTIVE PROPOSERS (Design-Build)

Consistent with the Fund's commitment and in accordance with Article 15-A and Veterans' Service Law article 3, proposers are required to ensure that good faith efforts are made to include meaningful participation by Minority and Women-Owned Businesses (MWBE) and Service-Disabled Veteran-owned Businesses (SDVOB) in the Fund's design and construction program. The requirements apply to all Fund contracts in excess of \$100,000. The intent of the program is to encourage and assist in developing business relationships between prime contractors, MWBE and SDVOB subconsultants, subcontractors, and suppliers. Proposers must be diligent and creative in order to develop a plan that complies with the program.

Receipt of the MWBE and SDVOB Utilization Plan is required with the Proposal. The MWBE and SDVOB firms listed on the Plan (s) are businesses the proposer intends to utilize on the project and are subject to verification by the Fund. In addition to listing such businesses, list scope of work that could be awarded to certified firms if the GMP Proposal is accepted.

Proposers must solicit the cooperation of principal subconsultants and subcontractors at the earliest possible time during the procurement. A matter of special consequence is the Fund's procurement requirement that prohibits any person or entity with an organizational conflict of interest from participating with more than one proposer.

Consequently, we recommend that the Design-Build contractor evaluate the level of MWBE and SDVOB participation and the good faith efforts provided by their principal subconsultants and subcontractors. Although ultimate responsibility for program compliance is with the Design-Build contractor, the Contract Documents require that all subcontractors also comply with the contract provisions. **An inability to meet the contractual goals due to organizational conflict of interest does not excuse the proposer from the responsibility.**

MWBE firms must be currently certified by New York State Department of Economic Development Corp. (ESDC) as a Minority or Women-Owned Business to comply with the program requirements. Certified firms are included in the Directory of Certified Minority and Women-Owned Business Enterprises. The Directory is available on the Internet at <https://ny.newnycontracts.com/>. It is the responsibility of the contractor to ensure firms are included in the Directory at the time of submission.

SDVOB firms must be certified by the Office of General Services, Division of Service-Disabled Veterans' Business Development to comply with the program requirements. Certified firms are included in a Directory of New York State Certified Service-Disabled Veteran-Owned Businesses. The Directory is available on the Internet at <https://sdves.ogs.ny.gov/>

MWBE and SDVOB goals are separate and cannot be substituted for one for the other. However, firms that hold both MWBE and SDVOB certifications may be included in both the MWBE and SDVOB Utilization Plans toward satisfaction of both goals.

The actual services provided by the MWBE and SDVOB firms must be essential in the performance of the scope of work for the applicable contract. **Utilization of a certified MWBE OR SDVOB firm as a conduit or pass through for participation credit is strictly prohibited.** It is the discretion of the Fund to determine whether services are essential in the performance of the scope of work and/or the appropriateness of work allowed for lower tier subcontracting in accordance with practices generally accepted in the construction industry. The services the MWBE and/or SDVOB firm will provide must be among those explicitly identified in the profile (codes) of firms listed in the NYS Directory of MWBE and/or SDVOB firms respectively. Firms submitted or who participate in the project outside of these conditions and without specific prior approval by the Fund will not be credited toward the Utilization Plan goals for the contract.

If you have questions or need assistance related to the Fund's Minority and Women's Business requirements call the Opportunities Program Unit at (518) 320-1650 or email SUCF.OpportunityAdmin@suny.edu