



**NEW YORK STATE (NYS) CLEAN WATER STATE REVOLVING FUND (CWSRF)
GREEN INNOVATION GRANT PROGRAM (GIGP)
MINORITY & WOMEN'S BUSINESS ENTERPRISE -
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDANCE**

In order to receive funding through the Green Innovation Grant Program, you will need to meet various New York State and federal requirements. It is important that applicants thoroughly read this guidance document in its entirety. This document is intended to guide the applicant in administering the MWBE-EEO Program.

The New York State Environmental Facilities Corporation (EFC) is responsible for implementing various regulatory and statutory requirements which establish procurement standards for meaningful participation of minority and women-owned business enterprises in providing construction and professional services (legal, financial & engineering), and meaningful participation of minorities and women in the workforce, on activities funded by the Green Innovation Grant Program. EFC's Minority & Women's Business Enterprise-Equal Employment Opportunity (M/WBE-EEO) staff is prepared to assist you to identify your obligations under this Program throughout the process of obtaining GIGP funding.

EFC's M/WBE-EEO Program is goal oriented; it requires you to provide opportunities for minorities and women to participate in GIGP funded projects. Construction contracts over \$100,000 and service, equipment, and supply contracts over \$25,000 that are financed through GIGP are subject to the M/WBE-EEO requirements. A summary of the M/WBE-EEO Program requirements is provided below. More detailed descriptions can be found at www.nysefc.org or by calling (518) 402-7433 or (800) 882-9721.

You will be expected to demonstrate compliance with the Program requirements for contracts with bid openings and/or award after the submission of the application for GIGP funding. For contracts with bid openings and/or awards prior to the submittal of the GIGP grant application, you will be requested to document M/WBE-EEO participation for those contracts and to provide the following for each contract on the project:

- an explanation of efforts to obtain MBE/WBE participation;
- an Equal Employment Opportunity policy statement of the contractor(s);
- name(s) of the M/WBE contractors or subcontractor(s);
- total dollar amount of the M/WBE's participation;
- scope of work of the M/WBE subcontract; and
- dates of participation.

Proper completion of these steps is critical to successful GIGP funding of your project. Failure to comply with the Program requirements may delay receipt of funds for your project and can even jeopardize GIGP funding for your project.

I. Program Requirements

The following activities (designations, plan and specification review, and compliance reporting) are the actions that an applicant needs to implement to establish an acceptable M/WBE-EEO Program. EFC is available to assist in all phases of this effort.

A. MWBE-EEO DESIGNATIONS

Note: A M/WBE Officer needs to be designated on the Work Plan

The M/WBE-EEO Designations include the following:

1. STATEMENT OF POLICY

Certification to this statement commits the applicant to implement the provisions of Article 15-A of the New York State Executive Law and other requirements prescribed by EFC on projects funded by the SRF.

2. DESIGNATION OF A MINORITY & WOMEN'S BUSINESS ENTERPRISE OFFICER

You will need to designate a Minority & Women's Business Enterprise Officer to implement a comprehensive M/WBE-EEO Program. The individual designated must possess the necessary operational resources and authority to effectively administer the M/WBE-EEO Program duties. This person will be responsible for monitoring, tracking and enforcing compliance with and maintaining documentation of M/WBE-EEO requirements for you and any contractors.

3. PROJECT GOALS

The M/WBE-EEO goals for the SRF Programs are as follows:

- New York State Upstate Region Minority Business Enterprise (MBE): construction contracts- 6%; service, equipment and supply contracts- 8.8%.
- New York State Upstate Region Women Business Enterprise (WBE): construction contracts- 6%; service, equipment and supply contracts- 8.8%
- New York City Region MBE: construction contracts- 21.5%; service, equipment and supply contracts- 18.8%
- New York City Region WBE: construction contracts- 13.7%; service, equipment and supply contracts- 20.5%
- EEO for women in the labor force: 10%
- EEO for minorities in the labor force: 10%

(The New York City Region includes the 5 boroughs of New York City, Nassau County, and Suffolk County)

You are responsible for establishing M/WBE-EEO Program goals for your project. The goals you establish should equal or exceed the stated Program goals for your region of the State.

It is important to note that these are goals, not quotas. These percentages represent the desired level of participation of MBEs and WBEs in subcontracted work for your project. MBEs and WBEs are certified by the Empire State Development Corporation Division of Minority & Women's Business Development. You may utilize only certified MBEs and WBEs to meet these program requirements. Please view our website (www.nysefc.org) or call us at (518) 402-7433 for additional guidance.

In the event that your projected subcontract or labor force goals cannot be achieved, you will be required to submit adequate documentation of a good faith effort to meet these goals. The criterion for a good faith effort is available on EFC's website (www.nysefc.org).

Contact a MWBE Representative at (518) 402-7433 or (800) 882-9721, if you have any questions or need assistance.

B. EFC REVIEW OF PLAN AND SPECIFICATIONS- UTILIZATION PLAN

Note: EFC MWBE staff need to review plans and specifications prior to bid advertisement.

Professional service, equipment and/or supply contracts over \$25,000 and construction contracts over \$100,000 will need to contain language that requires your contractors to comply with the M/WBE-EEO commitments of Article 15-A . EFC will review plans and specifications to ensure language is included that give MBE and WBE firms the opportunity for meaningful participation and afford women and minorities an equal employment opportunity. Contract specifications must contain the appropriate subcontracting goals and equal employment opportunity clause in order to receive approval from EFC.

Contractors will be required to develop and maintain a Utilization Plan which identifies MBE and WBE subcontract and their EEO staffing plan for the contract. You should collect these plans from each contractor and maintain them on file with other M/WBE & EEO documents. These Utilization Plans should be submitted to EFC within 10 days of execution of the contract. Your contractor will be required to submit to you periodic reports that demonstrate their compliance with their Utilization Plan. Please refer to EFC's website (www.nysefc.org) for more information or call us at (518) 402-7433.

C. COMPLIANCE REPORTING REQUIREMENTS

Note: Compliance reporting begins after contracts have been formally awarded.

You will be required to submit quarterly compliance reports to EFC on the status of your M/WBE-EEO Program. These reports will be based on your M/WBE-EEO goals and the compliance reports submitted to you from each of your contractors.

Submittals from your contractors are subject to periodic reviews and audits by EFC. These reviews shall include, but not be limited to, the following information:

1. The name, address and telephone number of each MBE/WBE being utilized.
2. A brief description of the contract to be performed by each MBE/WBE and the scheduled dates for performance.
3. The executed contracts with each MBE/WBE.
4. The payments made to each MBE/WBE.
5. Payroll records and other documentation of the contractor's effort to employ women and minorities.

II. Suggestions/Tips

Applicants and their prime contractors are encouraged to undertake efforts to utilize MBE and WBE firms, and women and minorities in the workforce whenever possible. Some suggested actions that can help you with this Program include:

1. Contact the Empire State Development's Division of Minority and Women-owned Business Enterprises at 518-292-5250 for a list to certified MBE and WBE firms.
2. Place MBEs and WBEs on contractor solicitation lists.
3. Assure that MBEs and WBEs are solicited whenever an opportunity for participation arises.
4. Divide project requirements, when economically feasible, into smaller tasks or quantities to increase potential participation by MBEs and WBEs.

5. Establish delivery schedules to encourage participation by MBEs and WBEs, where the requirements of the project allow.
6. Equal Employment Opportunity Posters and/or notices should be posted in locations where they can be easily seen by the workforce.
7. Distribute your EEO policy to recruiting sources.
8. List job vacancies with the NYS Department of Labor Division of Employment Services.
9. Require contractors to take the steps listed above and for them to show good faith efforts to subcontract work to MBEs and WBEs.
10. Contact EFC early in your project planning process to ensure all MWBE-EEO requirements are properly addressed.

EFC supports applicants with outreach, training, technical assistance and compliance monitoring. Questions related to the M/WBE-EEO Program requirements should be raised and resolved early in the project financing process.

For additional information or assistance please contact EFC at (800) 882-9721 or (518) 402-7433. The M/WBE-EEO Program information is also available on the EFC website at www.nysefc.org (Click on "Programs", then "Clean Water or Drinking Water State Revolving Fund", then "M/WBE-EEO Program").