

## **M/WBE-EEO Process**

### **1. Application to Program**

The MWBE-EEO Program Guidance Document is in the SRF Application Packages and is distributed at public meetings and workshops. A properly completed and signed CWSRF Application Form or DWSRF Application Form requires the applicant to comply with the provisions of the Minority and Women's Business Enterprise - Equal Employment Opportunity requirements of Article 15-A of the New York State Executive Law.

*Recipient-*

The MWBE Program components are incorporated into the financing Application Form. The components are the policy statement, designation of a MBE Officer and establishment of goals. If you complete the CWSRF or DWSRF application form in its entirety, you will have met the initial MWBE program elements.

### **2. Draft Contract Provisions**

*Recipient-*

Develops contract provisions to bind selected contractors and consultants to the MWBE-EEO commitments of the program applicant.

*EFC-*

Recommends modifications or accepts documents as submitted.

### **3. Advertise Contracts**

*Recipient-*

1. Announces to the public that project contracts are open for bidding. Advertising should include language which encourages NYS Certified MWBEs to submit bids and advises the public that the owner is an equal employment opportunity employer and that there are legally required MWBE-EEO provisions.
2. Makes documents available for review by the public.

*EFC-*

1. Recommends MWBE focused media for advertising.
2. Identifies specific NYS certified MWBEs which are qualified to act as prime contractors when appropriate.

#### **4. Documentation**

*Recipient-*

1. Reviews "good faith efforts" as defined in various MWBE-EEO Program Guidance Documents.
2. Documents all actions (e.g., "good faith efforts") taken to comply with the MWBE-EEO requirements of the SRF program.

#### **5. Pre-Bid Meetings**

*Recipient-*

1. Advises EFC of the Pre-Bid meeting two (2) weeks prior to the scheduled date.
2. Advises attendees of MWBE-EEO program and discusses specific issues.

*EFC-*

1. Evaluates the need to attend the pre-bid meeting.
2. Provides appropriate technical assistance.

#### **6. Notice of award**

*Recipient-*

1. Advises the selected contractor(s) that an MWBE-EEO Utilization Plan is due within ten (10) days of the execution of the contract. The Utilization Plan should be submitted to the applicant's MBE Officer.

#### **7. Pre-construction Meeting**

*Recipient-*

1. Advises EFC of the meeting two (2) weeks prior to the scheduled date.

*EFC-*

1. Evaluates the need to attend the pre-construction meeting.
2. Provides appropriate technical assistance.

## **8. Utilization Plan**

### *Recipient-*

1. MBE Officer reviews MWBE Utilization Plan(s) submitted by each contractor for completeness and verifies that all of the identified firms are NYS certified, and that the proposed MWBE participation level reflects the established goals.
2. Produces written acceptance of Utilization Plan(s) to Contractor(s) with comments.
3. If the plan is not acceptable, the borrower should produce written critique to Contractor(s) advising of :
  - Deficiencies;
  - Necessary corrective actions; and/or
  - Time frames for the resolution of problematic issues.
4. Submits Utilization Plan(s) to the EFC for review and comment. Please consult with Project Consultants, Program Engineers and MWBE Staff for advice and guidance.

### *EFC-*

1. Reviews Utilization Plan(s) and accepts or recommends further actions.

## **9. Compliance Reporting**

### *Recipient-*

1. Advises the contractor(s) that an MWBE report is due on a monthly basis. The report should be submitted to the applicant's MBE Officer.
2. Submits MWBE reports to EFC on a quarterly basis.

### *EFC-*

1. Monitors the compliance level achieved on each contract for each project. This may consist of correspondence, field, and site visits. Communicates regularly with the recipient informing them of any outstanding documentation.
2. Submits quarterly reports to USEPA.

## **10. Qualifying Documentation**

### *Recipient-*

1. Takes corrective actions or advises contractor to submit qualifying documentation. (Qualifying documentation is identified in the Contractor's Good Faith Effort Criteria.)
2. Advises the contractor(s) or its consultant(s) of documentation needed for its files.

3. Negotiates with Contractors.

## **11. Compliance Review**

*EFC-*

1. Requests compliance review meeting to close-out each contract for the project.
2. Assesses level of compliance.
3. Determines appropriateness of waiver.

## **12. Final Steps**

*EFC-*

1. Records payment information.
2. Verifies payment information.
3. Sends final review letter which indicates whether or not compliance was satisfactory or unsatisfactory.