



**Homes and
Community Renewal**

M/WBE Compliance

Tools for Non-For-Profit Grantees

**Presented by the Office of Economic Opportunity and Partnership Development
in collaboration with
Affordable Housing Corporation
New York State Rural Housing Coalition, Inc.
New York State Rural Advocates**

Regulations

Governing Regulations

NYS Executive Law Article 15-A

- ❑ Signed into law to promote employment and business opportunities on State contracts for minority and women-owned businesses.

5 NYCRR Parts 142-144 for All State Contracts

- ❑ (1) in excess of \$25,000 for labor, services, equipment, materials or any combination.
- ❑ (2) in excess of \$100,000 for real property renovations and construction



Grantee Compliance Requirements

- Maintain centralized records on participating MBEs and WBEs
- Document dollar amount of contract/subcontracts awarded to MBEs and WBEs
- Report quarterly to HCR's Office of Economic Opportunity & Partnership Development (OEOPD)
- On the 5th day of the month following the end of each quarter:

Quarter	Reporting Period (Payments Made)	Due Date
1 st	April 1-June 30	July 5 th
2 nd	July 1-September 30	October 5 th
3 rd	October 1-December 31	January 5 th
4 th	January 1-March 31	April 5 th



Applying the MWBE Goal

- ❑ Start with the AHC grant awarded
- ❑ Deduct administrative costs (if applicable)
 - Up to 10%
- ❑ Deduct acquisition costs (if applicable)
 - Up to 49%
- ❑ Apply MWBE goal to remaining awarded funds used for construction related hard and/or soft costs



Compliance Forms



Economic Opportunity and Partnership Development Forms

Affirmative Marketing:

- Notice of Intent to Begin Marketing 
- OFHEO Initial Marketing Report 
- Plan Guidelines 

M/WBE & EEO:

- M/WBE Utilization Plan 
- Cumulative Payment Statement 
- Cumulative Payment Statement for Grant Projects  - Updated
- Affirmation of Income Payments to MBE/WBE 
- Monthly Employment Utilization Report (EEO) 
- Bid Solicitation Log 
- Good Faith Efforts Guide 
- Certification of Good Faith Efforts 

M/WBE Forms for Procurements and Contracts:

- EEO Staffing Plan Form, PROC-1 
- MWBE Utilization Form, PROC-2 
- MWBE Waiver Form, PROC-3 
- MWBE & EEO Policy Statement (Model), PROC-4 
- EEO Workforce Utilization, PROC-5 
- MWBE Quarterly Report, PROC-6 
- Company Demographic Profile, PROC-7 
- EEOC Statement, PROC-8 

Housing Management (OHM):

- Housing Company M/WBE Annual Report 
- Instructions for the Housing Company M/WBE Annual Report 

Logos:

- Fair Housing 
- Accessibility 

Important
FORMS

Please visit our website for the required compliance forms.

[Click here for our forms](#)



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M/WBE Utilization Plan

- ❑ Shows the projected use of New York State certified MWBEs
- ❑ Must reflect M/WBE utilization up to the required dollar amounts
- ❑ New applicants must submit a preliminary plan before the funding award is approved to move forward into contracting. Existing projects must submit an approved utilization plan, if one was not submitted prior
- ❑ **Home Improvement** Grantees must identify a pool of contractors including MWBEs for the home owners to choose from. This pool of contractors should be listed on the utilization plan, with estimated cost. By establishing a pool of qualified and certified firms, this will help in completing a Good Faith Effort package at the end of the project.
- ❑ Amended plans will be accepted





Homes and Community Renewal

**New York State
Homes & Community Renewal
Office of Economic Opportunity & Partnership Development**
Web Site: www.nysher.org

M/WBE UTILIZATION PLAN
(Instructions on Reverse Side)

Preliminary
 Amended

Project or SHARS#: 1A23	Contract Amount: NA		Funding Amount: \$500,000	
Contractor Name: GC/Grantee	Address: 123 Maine Street	Telephone Number: (212) 555-5555	Email: nysher.sm.office	Federal ID: GC/Grantee
Developer Name: Grantee	Address: 123 Maine Street	Telephone Number: (212) 555-5555	Email: nysher.sm.office	Federal ID: Grantee

Name, Address and Federal ID # of Firm	NYS Certified (Check One)		HCR Review	General Description of Work to be Performed	\$ Value of Contract	Anticipated Contract Date	
	MBE	WBE				Start	Completion
MWBE subcontractor/vendor/supplier Federal ID # XXXXXXXXX	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Roofing	50,000.00	06/25/2015	02/25/2006
MWBE subcontractor/vendor/supplier Federal ID # XXXXXXXXX	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Plumbing	10,000.00	06/25/2015	02/25/2006
MWBE subcontractor/vendor/supplier Federal ID # XXXXXXXXX	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Flooring	30,000.00	06/25/2015	02/25/2006
MWBE subcontractor/vendor/supplier Federal ID # XXXXXXXXX	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Lighting	20,000.00	06/25/2015	02/25/2006

Pursuant to Executive Law Article 15-A, my firm proposes to use the certified M/WBE firms listed above. _____ Signature of Company Official PRESIDENT _____ Title 12/08/2015 _____ Date	<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Accepted as Noted <input type="checkbox"/> Rejected	HCR Use Only Proposed Goal Attainment: MBE 22. % WBE 10. % Funding Amount \$ 500,000.00 MBE \$ 110,000.00 WBE \$ 50,000.00
	_____ Authorized Signature:	_____ Date: 12/08/2015

ADM-095B (rev. 04/15) **Failure to submit this form will result in non-compliance**



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Cumulative Payment Statement

- Details payments to all subcontractors working on the project
- Report MBEs, WBEs, and non-MWBEs (subcontractors not qualified as a certified MBE or WBE “everyone else”)
- Indicate “No Activity” if there are no payments for the reporting period
- Required every quarter for the duration of the project



Affirmation of Income Payment Statement

- Confirms payment to certified M/WBE subcontractor
- Required for each MBE and WBE payment listed on the Cumulative Payment Statement
- Line 5b. must match the payment amount indicated on the Cumulative Payment Statement

5. Summary of Payments	
a. Total MBE/WBE contract amount	\$ 50,000.00
b. MBE/WBE payment received for this reporting period	\$ 7,500.00
c. Total MBE/WBE payments received as of this reporting period	\$ 30,500.00

- Must be signed by both the subcontractor and the grantee




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Affirmation of Income Payments to MBE/WBE

Each MBE and WBE FIRM must sign and submit this form to the Contractor. The Contractor/Vendor must submit this form to the Office of Economic Opportunity and Partnership Development by the 5th of each Quarter.

CONTRACTOR

1. Name and Address of Contractor Grantee Federal ID # 123456789	2. SHARS/Project # 1A23
	3. Reporting Period 3 2015-2016 Quarter Year

M/WBE FIRM

1. Name and Address MWBE contractor/supplier Federal ID # 123456789	2. Date contract started: 6/15/15
	3. New York State Certified (Check One) <input checked="" type="checkbox"/> MBE <input type="checkbox"/> WBE

4. Type of Service Provider (Check one box only)

Construction Supplier Consultant Service Service/Commodity

5. Summary of Payments

a. Total MBE/WBE contract amount	\$ 50,000.00
b. MBE/WBE payment received for this reporting period	\$ 7,500.00
c. Total MBE/WBE payments received as of this reporting period	\$ 30,500.00

	MWBE	12/08/2015
Signature of MBE/WBE	Print Name of MBE/WBE	Date
	Grantee	12/08/2015
Signature of Contractor	Print Name of Contractor	Date


**Homes and
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Good Faith Efforts





Homes and Community Renewal

ANDREW M. CUOMO
Governor

JAMES S. RUBIN
Commissioner/CEO

CERTIFICATION OF GOOD FAITH EFFORTS

Applicant Name		Primary Contact Name	
Applicant Address		Telephone Number	
City, State and Zip Code		Project Name and SHARS/ID#	

INSTRUCTIONS: Please document dates and detailed descriptions of the actions taken, for each good faith effort listed on the attached pages. Do not change our form, but add documentation, narrative or attached pages as needed to supplement your responses. "MWBEs" means minority and women business enterprises certified by NYS Empire State Development. NYS-certified MWBEs may be found via the searchable database located at <https://ny.newycontracts.com/> or by contacting Empire State Development Corporation at (518) 292-5250.

a) Describe the specific steps undertaken in order to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, NYS-certified MWBEs, with specific dates and activities.

Before and during project construction the following efforts were made:

b) Provide names of publications (including general circulation, trade association or trade-oriented, or minority and women-oriented), dates of advertising, and attach copies of any advertisements.

Before and during project construction, the following efforts were made:

Submit copy via [email: OFHEO@nyshcr.org](mailto:OFHEO@nyshcr.org)

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- What is the Certification of Good Faith Efforts (GFE)
- Who submits a GFE
- When to submit a GFE
- Where to obtain a GFE

The GFE should include:

- All certified and non-certified MWBE firms utilized during the project. Construction related trades and non-construction related trades offering professional services are acceptable.
- All marketing efforts to reach minority and/or women owned businesses.
- All bidding efforts to utilize minority and/or women owned businesses.
- All outreach to increase minority and/or women workforce.



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GFE Marketing Efforts

- Solicit in writing a reasonable number of NYS-certified MWBEs.
- Attend MWBE conferences/events.
- Advertise in general circulation, trade associations, MWBE publications or newsletters.
- Sponsor business opportunity-related meetings, conferences, seminars with minority organizations.



GFE Marketing Efforts

- ❑ Post notices in common areas of housing developments, public housing authority buildings, schools, daycare facilities.

- ❑ Utilize local media, electronic and print, to promote contract and business opportunities for MBEs and WBEs.

- ❑ Internet
 - Social Media - Facebook, Twitter.



GFE Marketing Efforts

- Place outreach material at movie theaters that provide for free public service announcements.
- Partner with faith-based and community organizations that serve the minority population.
- Conduct outreach activities at adult-education training centers or other community activity classes.



Waivers



Waivers

- ❑ How to secure a waiver
- ❑ When to request a waiver
- ❑ Who approves the waivers
- ❑ How long is the approval process
- ❑ Programs that have successfully secured waivers
 - Down payment and closing cost assistance
 - Manufactured home repair
 - Home Improvement
 - Projects that have not met their MWBE goal
 - Gap Financing



Gap Financing

- ❑ What is gap financing
- ❑ How to secure a waiver for gap financing
- ❑ When to request a waiver for gap financing



Home Improvement

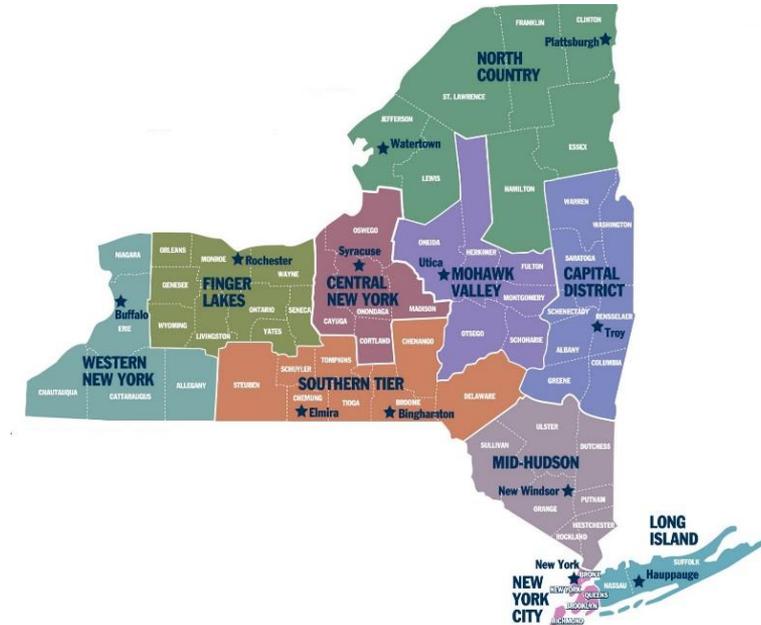
- ❑ Securing a waiver for home improvement
 - Prepare a GFE
 - Include a copy of your utilization plan
 - Attach all efforts to meet the MWBE goal



Participation Goals



NYS Regional Map



Region 1 Western New York: Allegany, Cattaraugus, Chautauqua, Erie, Niagara

Region 2 Finger Lakes: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates

Region 3 Central New York: Cayuga, Cortland, Madison, Onondaga, Oswego

Region 4 Southern Tier: Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins

Region 5 Mohawk Valley: Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie

Region 6 Capital Region: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren, Washington

Region 7 North Country: Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence

Region 8 Mid-Hudson: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

Region 9 Long Island: Nassau, Suffolk

Region 10 New York City: Bronx, Kings, New York, Queens, Richmond

Counties			MBE	WBE
<ul style="list-style-type: none"> ▪ Nassau ▪ Bronx ▪ Kings ▪ New York 	<ul style="list-style-type: none"> ▪ Orange ▪ Putnam ▪ Queens ▪ Richmond 	<ul style="list-style-type: none"> ▪ Rockland ▪ Suffolk ▪ Westchester 	22%	10%
<ul style="list-style-type: none"> ▪ Erie ▪ Genesee ▪ Livingston 	<ul style="list-style-type: none"> ▪ Monroe ▪ Niagara ▪ Orleans 	<ul style="list-style-type: none"> ▪ Ontario ▪ Wayne 	20%	10%
<ul style="list-style-type: none"> ▪ Albany ▪ Broome ▪ Cayuga ▪ Dutchess ▪ Herkimer 	<ul style="list-style-type: none"> ▪ Montgomery ▪ Madison ▪ Oneida ▪ Onondaga ▪ Oswego 	<ul style="list-style-type: none"> ▪ Rensselaer ▪ Saratoga ▪ Schenectady ▪ Schoharie ▪ Tioga 	20%	10%
<ul style="list-style-type: none"> ▪ Allegany ▪ Cattaraugus ▪ Chautauqua ▪ Chemung ▪ Chenango ▪ Clinton ▪ Columbia ▪ Cortland ▪ Delaware ▪ Essex 	<ul style="list-style-type: none"> ▪ Franklin ▪ Fulton ▪ Greene ▪ Hamilton ▪ Jefferson ▪ Lewis ▪ Otsego ▪ Schuyler ▪ Seneca 	<ul style="list-style-type: none"> ▪ St. Lawrence ▪ Steuben ▪ Sullivan ▪ Tompkins ▪ Ulster ▪ Warren ▪ Washington ▪ Wyoming ▪ Yates 	10%	10%

MBE/WBE Participation Goals by County



Resources



**Homes and
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New York State Empire State Development (ESD)

Division of Minority and Women Business Development (DMWBD)

- ❑ All certification questions should be directed to ESD
- ❑ Maintains directory of certified Minority and Women-Owned businesses in New York
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>
- ❑ Assist your organization in certification
<http://www.esd.ny.gov/MWBE/Certification.html>





HCR encourages Minority and Women-Owned Business Enterprises (MWBEs) to participate in agency-funded projects and strives to be a valued partner to MWBEs and the development community.

MWBE Utilization

- Complete or Substantially Complete HCR Projects Meeting or Exceeding MWBE Requirements

Getting Started

- To become a certified MWBE, [click here](#)

Resources for Current MWBE Certified Organizations

- New York State "Bridge to Success Loan Program - [click here to download program information](#)
- Construction Opportunities:
 - Capital Awardees
 - AHC Grantees
 - Contractor Contact List
- Procurement Opportunities: [click here](#)
- For assistance identifying statewide opportunities within HCR: econ.opportunity@nyshcr.org
- For contracting opportunities with other state agencies/authorities please visit the NYS Contract Reporter at www.nyscr.ny.gov

Resources for Developers and Grantees

- For Certified MWBEs on HCR Projects, [click here](#).
- For HCR's Pre-Qualified Professional Services Providers, [click here](#).
- For MWBE Compliance Forms, [click here](#).
- New York's New Statewide Contracting System: [click here](#)

Check out our Website
(click here)



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Questions/Comments

Thank you for your support and commitment to increasing MWBE participation.

Please submit all questions and/or comments to the Office of Economic Opportunity and Partnership Development at Econ.Opportunity@nyshcr.org

All questions and answers will be posted on the Economic Opportunity Corner within the next 10 days

