

NYSAFAH 2011

Strategies for Successful MWBE Outreach & Compliance

Presented by: Wanda Graham
VP/Director of OFHEO
NYS Homes & Community Renewal

OFHEO's Mission

- ▶ To create equal housing and economic opportunities for all persons living and working in NYS, adhering to Federal, State and Local Laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, disability and familial status.

OFHEO's Goal

- ▶ To become a valued partner and a resource to the contracting programs of HCR, the development community, MWBEs and program participants.
- ▶ To increase MWBE participation on HCR funded projects.

OFHEO structure

- ▶ We have staff in NYC and Albany
- ▶ OFHEO is responsible for monitoring compliance for approximately 17 contracting programs, which includes both Federal and State funded programs
- ▶ Program Compliance Specialist are assigned by program

OFHEO simplifies the process

- ▶ OFHEO would like to encourage compliance, make it less burdensome and assist you in achieving the set goals.
- ▶ Over the last six months, under the newly integrated OFHEO we have re-evaluated the compliance and monitoring process, and

The office has:

- Updated the compliance forms
- Reduced and/or eliminated excess reporting
- Made forms fillable on the HCR website
- Created a dedicated email address
OFHEO@nyshcr.org
- Created ongoing training for HCR contracting unit staff, attorneys & program participants
- Changed reporting to quarterly instead of monthly.

OFHEO modifies the way we assign goals

- ▶ For projects with several sources of funds from HCR, we are:
 - totaling all funding, and apply goals based on the total and based on the county.
- ▶ For projects covering multi-counties, we are:
 - Averaging the goals for the total number of counties
- ▶ For both, require one set of compliance forms

M/WBE Utilization Plan

- ▶ One time submission required
- ▶ Outlines the projects plan to hire MWBEs
- ▶ Amended only when the contractor list changes
- ▶ Due 60 days prior to construction start
- ▶ Must be approved prior to contract execution



New York State
 Homes & Community Renewal
 Office of Fair Housing and Equal Opportunity
 Web Site: www.nyshcr.org
 Email: ofheo@nyshcr.org

M/WBE UTILIZATION PLAN
 (Instructions on Reverse Side)

Preliminary
 Amended

Project or SHARS#:	Contract Amount:		Funding Amount:	
Contractor Name:	Address:	Telephone Number:	Email:	Federal ID:
Developer Name:	Address:	Telephone Number:	Email:	Federal ID:

Name, Address and Federal ID # of Firm	NYS Certified (Check One)		General Description of Work to be Performed	\$ Value of Contract	Anticipated Contract Date	
	MBE	WBE			Start	Completion
Federal ID #	<input type="checkbox"/>	<input type="checkbox"/>				
Federal ID #	<input type="checkbox"/>	<input type="checkbox"/>				
Federal ID #	<input type="checkbox"/>	<input type="checkbox"/>				
Federal ID #	<input type="checkbox"/>	<input type="checkbox"/>				

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

ADM-095B (rev. 12/10) *Failure to submit this form will result in non-compliance*

Cumulative Payment Statement

- ▶ All firms must be included in this form
- ▶ Tracks payments to all contractors up to the funding amount included in the MWBE attainment goals
- ▶ Submitted quarterly

Affirmation of Income Payments

- ▶ NYS Certified MWBEs must complete this form
- ▶ Serves as a verification of payment
- ▶ Not required if no payment has been made
- ▶ Secure all appropriate signatures:
Developers, General Contractors & MWBE



New York State
 Homes & Community Renewal
 Office of Fair Housing and Equal Opportunity
 Web Site: www.nyshcr.org

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 Fair Housing and Equal Opportunity by the 10th of each Quarter.

CONTRACTOR

1. Name and Address of Contractor Federal ID #	2. SHARS/Project # 3. Reporting Period _____ _____ Quarter Year
---	--

M/WBE FIRM

1. Name and Address Federal ID #	2. Date contract started: 3. New York State Certified (Check One) <input type="checkbox"/> MBE <input type="checkbox"/> WBE	
4. Type of Service Provider (Check one box only) <input type="checkbox"/> Construction <input type="checkbox"/> Supplier <input type="checkbox"/> Consultant Service <input type="checkbox"/> Service/Commodity		
5. Summary of Payments		
a. Total MBE/WBE contract amount	\$ _____	
b. MBE/WBE payment received for this reporting period	\$ _____	
c. Total MBE/WBE payments received as of this reporting period	\$ _____	
Signature of MBE/WBE	Print Name of MBE/WBE	Date
Signature of Contractor	Print Name of Contractor	Date

Failure to submit this form will result in non-compliance.

EEO Monthly Employment Utilization Report

- ▶ This report tracks all of the project's minority workforce
- ▶ Must be completed monthly & submitted quarterly
- ▶ Must be signed by the general contractor or subcontractor



New York State
Homes and Community Renewal
Office of Fair Housing and Equal Opportunity
 Website: www.nysbcr.org
 Email: OFHEO@nysbcr.org

MONTHLY EMPLOYMENT UTILIZATION REPORT

(Instructions on Next Page)

Project Name:		Reporting Period:		From:		To:	
Contractor/ Firm Name:		Address:					
Federal ID/SS#:		SHARS #:		Location of Work:			
Labor Amount:	\$	Construction Start Date:		Percent of Job Complete:			

TOTAL NUMBER OF EMPLOYEES FOR THIS REPORTING PERIOD												
Job or Trade Category	Total Number of Employees		Black or African American		Hispanic or Latino		Native Hawaiian or Other Pacific Islander		Native American or Alaskan Native		Asian	
	M	F	M	F	M	F	M	F	M	F	M	F
Professionals												
Technicians												
Office/Clerical												
Construction Trade - List Each												
Grand Totals												

Company Official's Name: _____ Title: _____

Company Official's Signature: _____ Date: _____

Telephone Number: _____ Fax Number: _____

Bid Solicitation Log

- ▶ This is a helpful tool to assist in documenting the projects outreach efforts to hire MWBEs
- ▶ This log must be submitted to verify the outreach efforts, if goals are not achieved.

Good Faith Effort Guide

- ▶ Tool to assist in the outreach efforts to maximize MWBE participation.
- ▶ Statement/explanation must be submitted to OFHEO, if established project goals are not achieved.

Good Faith Efforts Guide

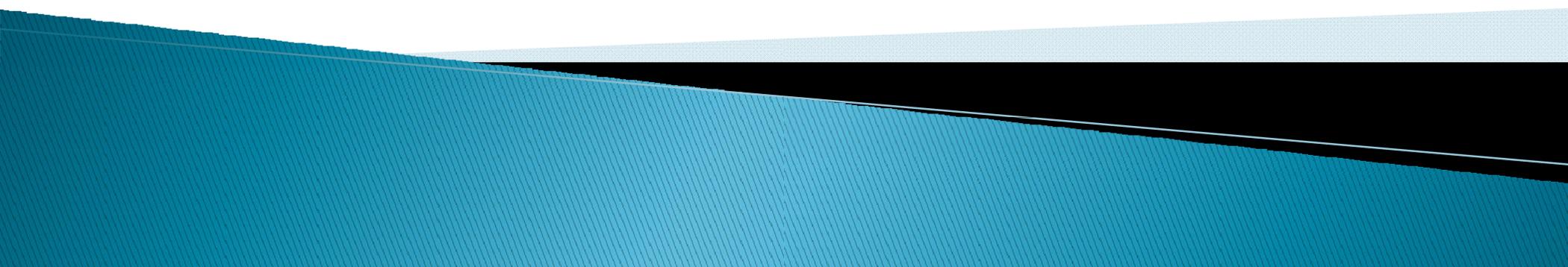
The Awardees or Contractor's compliance with the New York State Homes & Community Renewal minority and women-owned business enterprises (M/WBE) policy will be evaluated based upon the use of "good faith efforts" to achieve maximum participation results. Each awardee or contractor's efforts will be rated by applying the references in the guide and taking into account the following:

- Size of the contract
- Location of the project
- Capability and availability of M/WBE

Specific Recommendations:

- Utilized New York State Directory of Certified M/WBE firms as resource document
- Incorporated as part of all subcontracts, provisions of the General Conditions in the contract which relate to, Equal Employment Opportunity (EEO), and Minority and Women-Owned Business Enterprises (M/WBE)
- Utilized frequent and timely advertisements in newspapers and periodicals catering to M/WBEs for recruitment purposes.
- Established contacts and working relationships within M/WBE firms
- Sent solicitations and completed follow-ups, in a timely fashion, to M/WBEs
- Provided certified M/WBEs adequate time to review plans/specs and to respond to solicitations
- Notified the Office of Fair Housing and Equal Opportunity of problems preventing M/WBE participation and requested assistance
- Submitted a complete, acceptable Utilization Plan in accordance with the applicable requirements to meet goals for participation of certified minority and women-owned business enterprise established in the State contract
- Documented and maintained records of all "good faith efforts" to address projects goals

Non-Compliance

- Projects who do not submit quarterly reports will receive a non-compliance letter
 - OFHEO will evaluate each projects ability to achieve the goals, and
 - HCR will make the ultimate decision to do business in the future if goals are not met.
- 

OFHEO is here to assist you!

- ▶ Email us at: OFHEO@nyshcr.org
- ▶ Visit the HCR booth for:
 - additional contact information
 - instructions on how to become certified with ESDC, and
 - how to download compliance forms

Thank You!

