

## PROCEDURE FOR COMPLIANCE WITH M/WBE

**Premise:** State award terms and condition may include the provision that Contractors, in this case, Nazareth College of Rochester, engage M/WBE certified businesses for 20% of eligible expenses. The amount is determined by completing the M/WBE Goal Calculation Worksheet. Principal Investigators, Program Directors or similar (PI/PD) are encouraged to plan ahead in an effort to avoid delays in obtaining goods and services.

**Additional State Resources:** <http://esd.ny.gov/MWBE.html>

**Good Faith Effort:** Evidence may be requested at any time by the NY State Funding Agency and must be readily available. Documentation, as listed on M/WBE form 105, may include:

1. Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;
2. If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;
3. Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;
4. Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;
5. The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;
6. Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.
7. Describe any other action undertaken by the bidder to document its good faith efforts to retain certified minority - and women- owned business enterprises for this procurement.

**Procedure:** The procedure outlined below puts protections in place that ensure a "good faith effort" by requiring documentation of a plan for compliance and of efforts to solicit services from M/WBE certified entities *prior to* any purchase of goods or services.

### Utilization Plan Requirement

1. Prior to the expenditure of any funds the PI/PD must complete the NYS M/WBE Utilization Plan, form 100, outlining how the award will manage to comply with M/WBE Policy.
2. A copy of the M/WBE Utilization will be kept in the Program File maintained by OSPFR.
3. OSPFR will track the amounts paid to M/WBE Entities to allow for fulfillment of reporting requirements.

### M/WBE Contractor is unavailable:

1. PD/PI must complete the M/WBE Contractor Unavailable Certification form and submit the unsigned form to OSPFR with all available Good Faith Documentation.
2. OSPFR will review the documentation for completeness and may request additional documentation to support certification.
3. Once OSPFR review is complete a representative of the OSPFR will route for signature.
4. A copy of the signed certification form will be maintained in the OSPFR Program File, with the original being returned to the PI/PD for submission to the state.

**Please note:** No services or goods may be purchased until after the certification form is signed, submitted and accepted.