

Fiscal Year 2019 Agency M/WBE Utilization Plan



careers
businesses
neighborhoods

A. Agency Contact Information

Agency Name New York City Department of Transportation

Street Address 55 Water Street **City** New York **State** NY **Zip Code** 10041

M/WBE Officer Name Carlos Bannister **Email** cbannister@dot.nyc.gov **Telephone #** 212 839-9421

ACCO Name Nancy Carolan **Email** ncarolan@dot.nyc.gov **Telephone #** 212 839-9292

Date 7/30/18

B. Local Law 1 Requirements

New York City's Minority and Women-Owned Business Enterprise (M/WBE) program, established in 2005, was designed to promote government contracting opportunities for certified M/WBEs. Accordingly, the Department of Small Business Services (SBS) built a program dedicated to promote fairness and equity in accessing contracting opportunities for City procurement.

In 2013, Local Law 1 was enacted to help strengthen the M/WBE Program. Some of the changes to the program include: (i) eliminating the \$1 million cap on contracts subject M/WBE participation goals; (ii) establishing participation goals on all services contracts (construction, professional and standard services); (iii) eliminating goals for goods over \$100,000; (iv) eliminating the distinction between prime contracts and subcontracts for the purposes of goal setting, including the Target Subcontracting Percentage; and (v) establishing participation goals for all ethnic and gender categories, except Asian Americans in Professional Services. Additionally, new monitoring and accountability requirements have been established in order to ensure transparency in the law's implementation, some of which include: (i) quarterly instead of bi-annual reporting requirements; (ii) establishing an M/WBE Director who will oversee agency compliance and will convene quarterly meetings with M/WBE officers to discuss agency performance in attaining Agency Utilization goals (agency Commissioners are required to attend two such meetings); and (iii) the creation of an annual Performance Improvement Plan and a monthly turnaround document to track agency progress.

Agencies with total procurements in excess of \$5 million in the previous full fiscal year (excluding contracts that are exempt from the M/WBE participation requirements as required by local law) are required to prepare annual M/WBE Utilization Plans. The following Utilization Plan template is designed to be a planning tool for each agency. Agencies are required to establish M/WBE participation goals for Fiscal Year 2019 based on the size and nature of the anticipated procurements that will be subject to the M/WBE participation requirements as well as the availability of certified M/WBEs with the capacity to perform the specific types and scale of work anticipated in such procurements. Agencies are further required to set specific M/WBE participation goals for procurements in all industries valued: at or below \$20,000 (Goods and Services); at or below \$35,000 (Construction); at or below \$100,000 and over \$100,000 (except for Goods). When establishing goals for procurements valued at or below \$100,000, agencies must consider the potential for such purchases to provide opportunities for M/WBEs to develop greater capacity, thereby increasing competition for city procurement.

Fiscal Year 2019 Agency M/WBE Utilization Plan



careers
businesses
neighborhoods

C. FY 19 Utilization Goals as established by LL1 of 2013

		FY 19 Utilization Goals								
		Less than or equal to \$35,000			\$35,001 to \$100,000			Greater than \$100,000		
		Citywide	Agency		Citywide	Agency		Citywide	Agency	
			FY18	FY19		FY18	FY19		FY18	FY19
Construction	Total Construction	38.00%	4 %	5.00	38.00%	5 %	10	38.00%	7 %	15.00
	Black	8.00%	1 %	1.00	8.00%	1 %	2	8.00%	2 %	5.00
	Hispanic	4.00%	1 %	1.00	4.00%	1 %	2	4.00%	2 %	2.00
	Asian	8.00%	1 %	1.00	8.00%	1 %	2	8.00%	1 %	3.00
	Women	18.00%	1 %	2.00	18.00%	2 %	4	18.00%	2 %	5.00

		FY 19 Utilization Goals								
		Less than or equal to \$20,000			\$20,001 to \$100,000			Greater than \$100,000		
		Citywide	Agency		Citywide	Agency		Citywide	Agency	
			FY18	FY19		FY18	FY19		FY18	FY19
Professional Services	Total Professional Services	37.00%	9 %	10.00	37.00%	18 %	20.00	37.00%	18 %	20.00
	% Black	12.00%	2 %	3.00	12.00%	4 %	4.00	12.00%	6 %	6.00
	Hispanic	8.00%	3 %	3.00	8.00%	7 %	8.00	8.00%	6 %	7.00
	Asian	No Goal	No Goal	No Goal	No Goal	No Goal	No Goal	No Goal	No Goal	No Goal
	Women	17.00%	4 %	4.00	17.00%	7 %	8.00	17.00%	6 %	7.00

Standard Services	Total Standard Services	31.00%	17 %	17.00	31.00%	20 %	20.00	31.00%	7 %	7.00
	Black	12.00%	4 %	3.00	12.00%	5 %	4.00	12.00%	1 %	2.00
	Hispanic	6.00%	5 %	4.00	6.00%	5 %	4.00	6.00%	1 %	2.00
	Asian	3.00%	1 %	3.00	3.00%	3 %	4.00	3.00%	1 %	1.00
	Women	10.00%	7 %	7.00	10.00%	7 %	8.00	10.00%	4 %	2.00

Goods (Under 100K)	Total Goods	45.00%	45 %	47.00	45.00%	50 %	50.00	No Goal	No Goal	No Goal
	Black	7.00%	8 %	8.00	7.00%	7 %	7.00	No Goal	No Goal	No Goal
	Hispanic	5.00%	7 %	9.00	5.00%	5 %	5.00	No Goal	No Goal	No Goal
	Asian	8.00%	8 %	8.00	8.00%	8 %	8.00	No Goal	No Goal	No Goal
	Women	25.00%	22 %	22.00	25.00%	30 %	30.00	No Goal	No Goal	No Goal

Fiscal Year 2019 Agency M/WBE Utilization Plan



careers
businesses
neighborhoods

D. Justification Page: Please explain how you arrived at your agency goals for all industries and levels of procurement.

CONSTRUCTION:

Under \$35K

We have analyzed our FY'17 MWBE utilization and decided to increase our FY'19 goal to 5% DOT anticipates procuring in FY' 19 for construction services for projects (i.e. Construction of the NYCDOT Air Conditioning System Upgrades). DOT's increased use of the MWBE vendor list will assist with soliciting services whenever possible.

\$35K-\$100K

We have analyzed our FY'17 MWBE utilization and decided to increase our FY'19 goal to 10% DOT anticipates procuring in FY' 19 for construction services for projects (i.e. Installation of LED Lighting, demolition projects) DOT's increased use of the MWBE vendor list will assist with soliciting whenever possible. DOT anticipates an increase of MWBE subcontracting opportunities for the upcoming Milling Contracts the opportunities for MWBEs should also increase.

Over \$100K

We have assessed the procurement opportunities in the agency procurement plan for FY' 19 and DOT believes we can increase the goal in this category for FY'19 to 15%. DOT anticipates a significant amount MWBE subcontracting opportunities for Millings, Bridge Rehabilitation and Bridge Demolition. Additionally, there will be opportunities for MWBE's to be primes for some of the upcoming Bridge Rehabilitation projects and Demolition of Pedestrian Bridges.

PROFESSIONAL SERVICES:

Under \$20K

In FY' 19 DOT anticipates opportunities for MWBE subconsultants in this category for task orders on our Engineering Service Agreement Contracts. Also there are opportunities for micro purchases for roof assessment and HVAC upgrades at various DOT locations. Consequently we have decided to increase our MWBE utilization goal for FY' 19 to 10%.

\$20K-\$100K

In FY' 19 DOT has decided to increase the goal in this category because of the increase in subconsultant opportunities (i.e. Community Outreach, Architectural Design and Environmental Planning) on the Total Design, Construction Support Services and Resident Engineering Services Contracts.

Over \$100K

In FY'19 DOT has decided to increase the goal in this category because of opportunities for Qualified Joint Ventures for Resident Engineering for Bridge Component Rehabilitation and Total Design Contracts. Additionally, we anticipate more MWBE Prime/Sub Consultant opportunities due to the utilization of the agency's Pre-Qualified List.

Fiscal Year 2019 Agency M/WBE Utilization Plan



careers
businesses
neighborhoods

STANDARD SERVICES:

Under \$20K

In FY' 19 DOT decided to keep the 17% goal in this category. DOT does not anticipate an increase of MWBE opportunities in this category for FY' 19. Most of the procurements are state/federal funded and thus fewer opportunities for MWBE Utilization.

\$20K-\$100K

In FY' 19 DOT decided to keep the 20% goal in this category. DOT does not anticipate an increase of MWBE opportunities in this category for FY' 19. Most of the procurements are state/federal funded and thus fewer opportunities for MWBE Utilization. Most of the procurements are for (i.e. Professional Maritime Training, Marine Electronic & Radio Repair Services, Maritime Safety & Security).

Over \$100K

In FY'19 DOT does not anticipate an increase of MWBE subcontracting; therefore, we decided to keep the 7% goal in this category. The amount of procurements for Maintenance and Operation of Parking Garages has decreased in FY'19 and it will affect the amount of opportunities for MWBE Utilization. Most of the procurements are Street Light Maintenance which require special certifications which limits the opportunities for MWBEs.

GOODS:

Under \$20K

In FY' 19 DOT will increase the MWBE goal to 47% in this category due to more spending via the Citywide P-Card program. In our P-Card program we ask the Fiscal Officer's to primarily use MWBEs for the purchases in this category. We expect more IT related purchases for MWBE suppliers.

\$20K-\$100K

In FY' 19 DOT decided to keep the 50% MWBE goal in this category. In FY' 18 we fell short of the goal but we anticipate to meet the goal due to the new Innovative MWBE purchasing method.

Fiscal Year 2019 Agency M/WBE Utilization Plan



careers
businesses
neighborhoods

E. Prime Contractor Utilization Initiatives

LL1 Required Activities

- Engage in outreach activities and networking events (ie: co-sponsoring with other agencies, one-on-one meetings, etc.)
- Encourage eligible firms to apply for certification.
- Include language in RFPs and invitations to bid requiring potential bidders/ proposers to consult directories of certified M/WBE firms.
- Encourage M/WBEs to join pre-qualified bidder's lists.
- Advertise procurement opportunities in minority publications.
- Conduct detailed analysis on a contract by contract basis to determine goals based on availability.
- Consider reducing scope and size of contracts when planning procurements.
- For construction contracts, enter into separate prime contracts for construction support services.
- Attend quarterly M/WBE meetings (including two attended by the Commissioner.)
- Conduct quarterly meetings with M/WBEs to discuss the agency's requirements for bids/ proposals.
- Encourage prime contractors to enter into joint ventures with certified M/WBEs.
- Designate dedicated staff to M/WBE program, including M/WBE Officer who is directly accountable to the agency head.
- Submit to City Chief Procurement Officer all contracts valued over \$10 million to determine if they can be divided into smaller contracts (unbundling contracts.)

Performance Improvement Required Activities

- Meet with oversight agencies: Review performance (P-card, spending trends, etc.) and identify detailed lists of M/WBEs for upcoming procurements.
- Review Utilization Plans: Assess anticipated procurements, M/WBE availability, and historical goals.
- Review M/WBE initiatives: Past initiatives, effectivity of the actions, and new initiative to undertake.
- Require contracting personnel to attend at least one of the monthly SBS/MOCS trainings.
- Require post-award debriefings requested by an M/WBE.

Additional Initiatives (Select three or more)

- Participate in networking events, meetings, and workshops for certified M/WBE firms.
- Post M/WBE program information on your agency's website.
- Include M/WBE Utilization updates in all procurement team meetings.
- Require buyers and P-card users to reach out to SBS's Account Management team for assistance identifying M/WBE firms for upcoming solicitations and other procurement opportunities.
- Hold pre-bid/proposal conferences on all procurements with M/WBE participation requirements.
- Establish formal means of tracking M/WBE utilization and sharing information within agency.

Compliance Administration and Monitoring

- Ensure timely prime contractor compliance with all LL1 submission requirements.
- Ensure prime contractor's actual compliance with utilization plan by regularly employing monitoring techniques (at a minimum: contacting M/WBEs, auditing prime's books and records, and visiting job sites.)
- Take appropriate enforcement action in cases where prime contractor is found to be out of compliance with utilization plan.
- Record in PIP all actual payments to subcontractors.
- As necessary, develop or modify written procedures pertaining to LL1 compliance administration, monitoring, and documentation.

Other Initiatives – List any other initiatives to be enacted by your agency

Other: We have met with the Oversight agency and other stakeholders to implement a system to monitor the MWBE Utilization and track the agencies performance. We are introducing vendor's from networking events to our current contractor's to increase MWBE participation. Lastly, we plan to de bundle our Component Bridge Rehabilitation Contracts so MWBEs will have more opportunities to become Prime Contractors.

Fiscal Year 2019 Agency M/WBE Utilization Plan



careers
businesses
neighborhoods

F. Open Contracts with M/WBE Utilization Requirements

Approximate # of prime contracts <u>open</u> and subject to participation goals (under LL129 and LL1):	131
Approximate # of upcoming contracts which have potential for subcontracting (under LL1):	30

G. Agency Organization

Attach the agency organizational chart with the names, titles, and contact information of all agency personnel responsible for implementation of the agency utilization plan.

List and describe any legislation, rules, policies or programs, other than those listed in the City Charter, PPB rules, General Municipal Law 103, and the Administrative Code, that impact agency utilization or the ability to participate in this program, i.e., Federal, State, or Local MBE, WBE, or Disadvantaged Business Enterprise (DBE) program requirements, etc.

Primarily the programs that impact NYCDOT's MWBE Utilization or its ability to participate in the Local Law 1 program are the USDOT Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) DBE Program, and the MWBE for State program Consolidated Local Street and Highway Improvement Program (CHIPS).