

# Doing Business with DDC M/WBE Compliance

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# Preparing Your Company to Do Business with DDC

## 1. What is “DDC Anywhere?”

DDC Anywhere is a central resource for providing information and tools that help us engage with the communities and agencies we serve. Through DDC Anywhere, we can collaborate with sponsor agencies and partner companies that share in the design, construction and renovation of civic facilities and surrounding infrastructure.

## 2. How does DDC solicit procurement for services?

DDC procures services in three ways:

- (1) Bid Solicitation: Construction Services are generally procured through a Competitive Sealed Bid (CSB) process;
- (2) Requests for Proposals (RFPs): Professional Services are procured through RFPs; and
- (3) Requests for Qualifications (RFQs) that are used in some instances for construction services. To learn more, please click on one of the three procurement methods.

## 3. What is PASSPort?

PASSPort is the City's digital Procurement and Sourcing Solutions Portal. It's designed to make the procurement process easier, more transparent, and accessible to all businesses. To learn more about PASSPort, please visit the Mayor's Office of Contract Services' website. For assistance with PASSPort enrollment, email the PASSPort support team at [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

## 4. How can I find DDC's current opportunities?

All solicitations, Bid/RFP documents, and RFQs are accessible through PASSPort.

## 5. Does DDC have Pre-Qualified List (PQL) opportunities?

Yes. Pre-Qualified Lists (PQLs) allow an agency to evaluate vendors for the provision of particular categories of goods, services, construction or construction-related services (including subcategories based on expertise, size, dollar size project, or other factors determined by the Agency Chief Contracting Officer) before issuing a solicitation for a specific contract. DDC has the following PQL opportunities:

- 1. M/WBE PQL (Small Projects):** General Construction projects up to \$3,000,000 for M/WBE Contractors only.
- 2. Medium PQL:** General Construction projects from \$3,000,000 to less than \$10,000,000
- 3. Large PQL:** General Construction projects greater than \$10,000,000

Please note the Medium, and Large PQLs are subject to M/WBE Participation Goals as per Local Law 1 of 2013. Small and Medium PQL projects have a preset M/WBE Goal of 30%. M/WBE Goals for Large PQL projects will be established per contract value.

## 6. How can I determine which construction companies have been awarded DDC contracts?

All recently awarded construction contracts are listed in PASSPort. If you would like to learn who won a specific contract no longer listed, you will need to submit a Freedom of Information Law (FOIL) request to DDC. [Click here for more information.](#)

## 7. Does DDC offer subcontracting opportunities?

No. DDC has a contractual relationship with the prime vendors. The prime vendor and the subcontractor have a separate contractual relationship.

Ways to connect with prime vendors:

1. Once a contract is awarded, vendors can reach out directly to the awarded contractor/consultant with a list of services they provide to see if the prime vendor would be interested in utilizing them as a subcontractor/subconsultant.
2. Rather than waiting until the contract is awarded, vendors can contact potential prime contractors/consultants for subcontracting opportunities before the Bid/RFP due date. Vendors can review the “Plan Holders” list and see which firms have obtained a copy of the Bid/RFP. Although the list includes everyone that has downloaded a copy of the Bid/RFP (potential primes, subconsultants, data reporting companies, etc), vendors can usually identify the large firms that have shown interest in the Bid/RFP. The Plan Holders list can be accessed via PASSPort.
3. Attend DDC and other City agency networking events.

## 8. Is my company required to enter into a Public Labor Agreement (PLA) if I am awarded a DDC contract?

For information about Public Labor Agreements and their applicability to DDC projects, please visit the Mayor's Office of Contract Services (MOCS) Project Labor Agreements webpage.

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## Preparing Your Company to Do Business with DDC (Cont'd)

### 9. Does DDC provide networking opportunities for my company?

Yes. DDC hosts the following annual events: Open House for Contractors and Consultants, and an Annual Conference on Contract Opportunities. In addition, DDC will host workshops and other events focused on specific projects, matchmaking, and special programs.

### 10. Does DDC offer additional opportunities for Economic Development?

Yes. DDC's East Side Coastal Resiliency (ESCR) Project is a \$1.45 billion climate resiliency project that will provide flood protection and improve open spaces and waterfront access for more than 110,000 New Yorkers – including 28,000 public housing residents – on Manhattan's East Side, from East 25th Street south to Montgomery Street, low-lying neighborhoods that were greatly affected by Hurricane Sandy in 2012.

There are four program goals related to hiring, contracting and subcontracting on the ESCR project:

#### 1. Minority and Women-Owned Business Enterprise

**(M/WBE)** - The Project Manager-Construction Manager (PMCM) and contractors have M/WBE goals and must meet them using NYC-certified Minority or Women-Owned Businesses. The M/WBE goal on this project is based on its scope of work and market availability of qualified firms.

**2. HireNYC** - The HireNYC Program was created to assist employers to hire locally from the target population of qualified talent. The Program provides free, high quality recruitment services to employers and employment services to jobseekers. The ESCR Team is working with the NYC Department of Small Business Services (SBS) Workforce1 system to develop a recruitment plan that aligns with specific hiring needs and processes of ESCR. To learn more about the HireNYC Program, visit: [edc.nyc/program/hirenyc](https://edc.nyc/program/hirenyc)

**3. Section 3** - The ESCR project is partially funded by the U.S. Department of Housing and Urban Development (HUD). The HUD Section 3 requirements apply to the PMCM and contractors, as well as their subconsultants and subcontractors. The purpose of Section 3 is to encourage employment and other economic opportunities for communities within projects generated by HUD assistance or HUD-assisted projects covered by Section 3. To the greatest extent feasible, opportunities will be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing. For more information on Section 3 and eligibility criteria for individuals and businesses, visit: <https://www1.nyc.gov/site/cdbgdr/transparency/Section3.page>

**4. Sandy Local Hiring** - Contractors are required to develop and implement a Sandy Recovery Hiring Plan for low-income and very low-income persons, Sandy-impacted residents, M/WBEs.

**a.** Hiring Goal: Employ 20% Sandy-impacted residents.

**b.** Contractors and all subcontractors agree to register all non-trade job opportunities with Sandy Recovery Workforce1, managed by the NYC Department of Small Business Services.

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# M/WBE Compliance

## 1. What is a certified M/WBE?

The City of New York Minority and Women-Owned Business Enterprises (M/WBE) Program expands opportunities for minority and women entrepreneurs to access government contracts and grow their businesses. Eligible businesses are certified by the Department of Small Business Services (SBS) and are listed on the SBS Online Directory of Certified Businesses. For more information about how to become a certified M/WBE, please visit the SBS website.

## 2. What are the benefits of M/WBE certification with the City of New York?

M/WBE Certification will allow businesses to have greater access to public contracting opportunities. Some of the benefits include:

- Better bid access on city-funded contracts
- Networking opportunities with government buyers
- One-on-one procurement counseling and bid preparation assistance
- Advertising in the NYC online directory of M/WBE certified businesses
- Access to a citywide network of services and support for M/WBEs
- Invitations for business development, workshops, webinars, and technical assistance targeted to M/WBEs
- Access to M/WBE procurement and contracting opportunities with NYC agencies and authorities

## 3. Does DDC have its own M/WBE certification process?

DDC does not have its own M/WBE certifications. To qualify as an NYC-certified M/WBE, your company must be city certified by the NYC Department of Small Business Services (SBS). Please visit the SBS website to learn more about the NYC M/WBE certification process.

## 4. Which division at DDC establishes M/WBE participation goals on DDC projects?

The Office of Diversity and Industry Relations (ODIR) is responsible for establishing M/WBE participation goals on DDC projects. ODIR develops, implements, and monitors policies and procedures to promote compliance with City and State law and facilitate economic development. ODIR aims to create an equitable and competitive business environment while ensuring the agency's procurement reflects the diversity of New York City. ODIR's programs and initiatives include M/WBE Pre-Qualified Lists (PQLs), M/WBE Non-Competitive Small Purchase contracts, workforce development, industry networking events, mentorship programs, and compliance monitoring.

ODIR also has a unit within its division, the Business Development Unit (BDU). Its primary function is to create capacity building opportunities for M/WBEs and small businesses through outreach, advocacy, technical assistance, and business growth, while executing various initiatives, including the DDC Mentoring Program.

## 5. What are M/WBE participation goals?

M/WBE participation goals indicate the percentage (in dollars) of a contract that must be performed by a New York City-certified M/WBE. Generally, participation goals apply to contracts for standardized, professional, and construction services with a history of subcontracting in areas with M/WBE availability. Goals are not required for the following contract types: (1) contracts that are not competitively awarded, (2) contracts awarded to a non-profit entity, (3) contracts with preemptive State or Federal goals, or (4) Emergency Declaration projects unless the project is subject to Emergency Executive Order 59 (for COVID-19 related projects).

## 6. What are specified/aggregated versus unspecified M/WBE participation goals?

Under Local Law 1 of 2013, City agencies have the option to set specified/aggregated and/or unspecified goals. A specified/aggregated goal means the agency has identified a percentage of the goal to be satisfied by a vendor represented by a specific ethnicity (i.e., If an M/WBE participation goal requirement specifies a 21% goal for Black Americans, then twenty-one percent (21%) of the overall M/WBE participation goal can be subcontracted to qualified firms owned by Black Americans, regardless of gender). An unspecified goal means that any qualified M/WBE firm certified with SBS, regardless of ethnicity or gender, can be utilized to satisfy the M/WBE participation goal requirement.

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## M/WBE Compliance (Cont'd)

### **7. How can my company meet M/WBE participation goals for my project?**

There are three ways to meet an M/WBE participation goal requirement:

**1.** The prime vendor is an NYC Department of Small Business (SBS) certified M/WBE

**2.** Qualified M/WBE Joint Venture (M/WBE partner must have 25%+ shared ownership)

A "Qualified Joint Venture" is a joint venture between one or more MBEs, WBEs, and another company, in which the percentage of profit or loss to which the certified firm or firms is entitled or exposed for participation in the contract, as set forth in the joint venture agreement, is at least 25% of the total profit or loss.

**3.** The prime vendor utilizes NYC SBS certified M/WBE sub vendors

### **8. Are Asian MBE vendors counted toward the M/WBE goal on professional contracts?**

Asian MBE subconsultants are counted toward the M/WBE goal on professional contracts solicited or advertised after April 15, 2020.

### **9. What forms are needed to comply with M/WBE compliance requirements?**

Please review our compliance webpage for the required forms to comply with M/WBE compliance requirements.

### **10. Why must my company meet MWBE goals for my project?**

M/WBE goals on standardized, professional, and construction services contracts are mandated per Local Law 1 of 2013. Local Law 1 was enacted after the City of New York commissioned a disparity study that determined minority-and women-owned businesses were not receiving their fair share of City contracts. Therefore, the City set goals to level the playing field for these minority-owned and women-owned businesses in the procurement process.

### **11. What happens if my company does not meet the M/WBE Participation Goal?**

Your company may be subject to monetary sanctions and a poor performance rating on your evaluation.

### **12. Are Locally Based Enterprises' (LBEs), Disadvantaged Business Enterprises' (DBEs), Emerging Business Enterprises' (EBEs), and/or Veteran-Owned Businesses' participation eligible to meet MWBE participation goals?**

No. Local Law 1 of 2013 only allows Minority-and Women-Owned Business Enterprises to count toward the M/WBE participation goals. For the definition of a "Minority-Owned Business Enterprise" and "Women-Owned Business Enterprise," please see Question 1 of this section above.

### **13. Does my company receive credit for utilizing M/WBE suppliers?**

No. The City of New York's procurement laws do not allow M/WBE utilization credit for supply companies on an individual contract level.

### **14. Do second-tier M/WBEs (or subcontractors to subcontractors) count toward the M/WBE goal?**

No. Second-tier subcontractors/subconsultants do not count toward the M/WBE goal.

### **15. Is prior approval needed before utilizing subcontractors/subconsultants?**

Yes. All subcontractors/subconsultants must be approved prior to commencing work. The original "Request for Approval Subcontractor/Subconsultant" (RFAS) form must be submitted to the DDC Program Units who will then forward the document to the M/WBE compliance staff for approval. Please note that all subcontractors and subconsultants must also be entered in the Payee Information Portal (PIP) for approval. For guidance on how to set up a PIP account, contact the City's Financial Information Services Agency (FISA) via email at [pip@fisa.nyc.gov](mailto:pip@fisa.nyc.gov) or call FISA-OPA Call Center at (212) 857-1777.