

**Contractor's Open House Questions & Answers
January 26, 2017**

Question: As a technology company, how do we arrange a meeting with your Agency?

Answer: The Office of Diversity and Industry Relations offers "Meet and Greet." Please call our Chief Diversity and Industry Relations Officer, Magalie D. Austin, Esq., at 718-391-1586 to arrange a mutually convenient meeting time.

Question: I own a MWBE-certified writing company. My firm completes writing, editing, and communications projects. What opportunities exist at the DDC for a writing company?

Answer: DDC, as an Agency whose primary contracting opportunities are tied to design, construction, and construction-related services, does not typically directly contract for writing, editing or communication services.

Question: What are the average sizes of projects awarded to MWBEs vs. non-MWBEs? What is the limitation?

Answer: As to the first question, DDC does not compile information on the average sizes of projects. Second, there are no limitations on MWBE contracting, either on a prime or subcontractor level. As with all vendors, prime contracts are awarded to the lowest responsive and responsible bidder for construction services, and the responsive and responsible vendor whose proposal is the most advantageous to the City for non-construction services. Those awards are made without reference to the MWBE status of the vendor.

Question: What is the Agency doing to encourage small MBEs that are Special Inspection Agencies in the QA/QC controlled inspections of these projects?

Answer: DDC has a "micro" category of work (*i.e.*, 1-5 employees) specifically for Special Inspections.

Question: How do you pay subcontractors through prevailing wages?

Answer: DDC payments are usually made to prime contractors who in turn must pay their subcontractors within seven days of receiving payment from the City. The subcontract is an agreement between the prime contractor and the subcontractor and not with the City directly. But the contractor must comply with all the terms and conditions of the contract as the prime contractor. The prime contractor is responsible for their subcontractors' activities to ensure that the subcontractor complies with the terms and conditions of the contract.

Question: Relating to obtaining information from workers to prepare the proper paperwork, how do you get their social security numbers? Some workers are skeptical about giving their full information.

Answer: Contractors' employees are not required to disclose their entire 9-digit social security numbers on documents submitted to the Agency. Only the last four digits are required with the full name of the employee.

Question: Why does it take one year to get paid even after the work is done via change order?

Answer: It does not take (and should not take) one year to get paid. If the contractor or subcontractor experiences a significant delay -- or more than 30 days -- they must contact the Project Manager/Resident Engineer to determine if there are issues with the request for payment. There may be any number of issues with the request that may include incomplete documentation, improper invoices, non-payable items claimed, non-compliance with terms and conditions of the contract, a lien filed on the contract, non-compliance with prevailing wage labor laws, unsatisfactory work, insufficient funding, and a host of others. Subcontractors should also check with their prime contractor. The best approach is to inquire.

Question: Are all DDC public work contracts union contracts?

Answer: No. Any contractor -- union or non-union -- may bid on and be awarded a public work contract with DDC.

Every public work project requires the payment of prevailing wages. Section 220 of the New York State Labor Law requires payment of the prevailing rate of wages when a public agency's, like DDC, contract involves the employment of laborers, workers or mechanics and concerns a public work. It is our understanding that the origins of the State Law to pay prevailing wages was designed in the first place to place contractors using union labor on equal footing with those contractors using non-union labor in the competition of public contracts.

DDC has in place for certain public work projects such as renovation and rehabilitation of City-owned buildings and structures, as well as some new construction of vertical City-owned buildings and structures, a Project Labor Agreement or PLA. On behalf of DDC, the City entered into the PLAs to provide for cost-efficient, safe, quality, and timely completion of certain rehabilitation, renovation and new public work projects. Any contractor may bid and the contractor does not have to be a signatory with the union. However, if the non-signatory contractor wins the contract, then that contractor must sign and agree to the terms of the PLA. However, the contractor need not be a signatory with these unions by any other labor agreement or for any other project. The PLA applies only to those projects that the contractor agrees to perform under the PLA and makes no labor agreement beyond those projects.

Finally, the public work managed by DDC's Infrastructure Division is typically classified as heavy construction and here the heavy construction contractors utilize the Union halls for providing their labor.

Question: Does the Office of Federally-Funded Projects also receive petitions on work discrimination incidents?

Answer: No.

Question: When it comes to HUD-funded projects, does DDC require contractors to adhere to the Section 3 Program requirements?

Answer: Yes, Section 3 is utilized in HUD-funded projects.