



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 26

February 16, 2023

PROCUREMENTS FROM MINORITY AND WOMEN-OWNED BUSINESSES

WHEREAS, on October 6, 2022, New York State enacted legislation (Chapter 569 of 2022) that increased to \$1,000,000 the dollar threshold for making noncompetitive small purchases of goods, services and construction from City-certified Minority and Women-Owned Businesses ("M/WBEs") to address the continuing effects of discrimination against M/WBEs in the market where the City conducts its procurements; and

WHEREAS, the City has established and implemented procedures to secure meaningful M/WBE participation and is committed to making New York City a more equitable and inclusive business environment for all vendors, including M/WBEs, to operate; and

WHEREAS, studies by the National Bureau of Economic Research and other institutions suggest that the economic and health effects of the COVID-19 pandemic have had a persistent and disproportionately negative impact on M/WBEs; and

WHEREAS, these studies also suggest that the negative impact is greater with respect to some ethnic and gender categories of M/WBEs than with respect to others; and

WHEREAS, a review of data regarding contract awards to City-certified M/WBEs through the M/WBE Noncompetitive Small Purchase method authorized by section 311(i) of the New York City Charter continues to show an inequity in the distribution of contract awards across the various ethnic and gender categories of M/WBEs; and

WHEREAS, the City continues to establish and implement initiatives to increase equity by providing the most underutilized ethnic and gender categories of M/WBEs with more City contracting opportunities using the M/WBE Noncompetitive Small Purchase method;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. In order to achieve the goals of the City's M/WBE program, all mayoral agencies, as such term is defined in section 3301 in the New York City Charter, shall, whenever practicable, use their power under section 311(i) of the New York City Charter to procure goods,

services and construction for amounts not exceeding \$1,000,000 from businesses certified as M/WBEs pursuant to section 1304 of the New York City Charter without a formal competitive process.

§ 2. All mayoral agencies shall, whenever practicable, use their discretion under section 311(i) of the New York City Charter to limit the pool of solicited vendors for goods, services and construction for amounts not exceeding \$500,000 to Black American M/WBEs, Hispanic American M/WBEs, Native American M/WBEs and Asian American WBEs. The Mayor's Office of Minority and Women-Owned Business Enterprises ("OM/WBE") shall issue guidance on the process of prioritizing, where practicable, these most underutilized categories of M/WBEs for such solicitations.

§ 3. There shall be a Chief Business Diversity Officer who, in consultation with the Mayor's Office of Contract Services ("MOCS") and the New York City Department of Small Business Services, shall periodically review agency procurement data provided by MOCS and relevant research (a) to determine any changes in the ethnic or gender categories of M/WBEs be prioritized in accordance with the process described in section 2; (b) to identify meaningful progress towards addressing overall disparities in procurement across the City; and (c) to make any necessary adjustments to City policies based on such review.

§ 4. Nothing in this Order is intended to create a private cause of action.

§ 5. Executive Order No. 59, dated July 28, 2020, is hereby REVOKED.

§ 6. This Executive Order shall take effect immediately.



Eric Adams
MAYOR