

# **CITY OF NEW YORK**

## **MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE) PROGRAM**

### **First Quarter of Fiscal Year 2024**

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**Compliance Report covering July 1, 2023 – September 30, 2023**

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## Introduction

As we enter a new fiscal year, Mayor Adams has consistently highlighted the need to move forward stronger than ever before, ensuring the work we do is centered on equity. In particular, the City is aggressively pursuing an increase in M/WBE utilization in the over \$40 billion<sup>1</sup> of annual public procurement, to “help small M/WBEs increase their capacity to win larger contracts and...take on the ‘disparity within the disparity.’”<sup>2</sup>

This report summarizes program activity, prime contract, and subcontract utilization data for City-certified Minority and Women-Owned Business Enterprises (M/WBEs), Emerging Business Enterprises (EBEs), and Locally-based Enterprises (LBEs), as well as additional data specified in Section 6-129(I) of the New York City Administrative Code. The reporting period covers activity during the first quarter of Fiscal Year 2024 (July 1, 2023 – September 30, 2023) and is jointly submitted by the Director of the Mayor’s Office of Contract Services (MOCS), as City Chief Procurement Officer, and by the Commissioner of the Department of Small Business Services (SBS). The City’s M/WBE program is led by Sheena Wright, First Deputy Mayor and Citywide M/WBE Director, and is administered in partnership with the Chief Business Diversity Officer, Michael Garner, the Mayor’s Office of M/WBEs (OM/WBE), SBS, and MOCS.

As further expanded upon in the report, during FY 2024 Q1, M/WBEs were awarded over \$235 million in prime contracts subject to the M/WBE program and over \$63 million in eligible subcontracts. The City achieved a combined prime and subcontract utilization of 23%.

## Expanding the Base of Certified Firms

SBS continues to increase the participation of M/WBE firms in City contracting by expanding its base of certified businesses. During the certification process, a company’s ownership and management structure is thoroughly reviewed to ensure the applicant performs the key functions of the business. The NYC Online Certification Portal (<https://sbsconnect.nyc.gov/>) allows M/WBE firms to certify and recertify online, check the status of applications, and update their business profiles to better promote themselves to buyers. In the first quarter of FY 2024, SBS conducted 13 certification workshops attended by 272 businesses.

Partners help extend the reach of SBS certification outreach efforts. Businesses receive assistance in applying

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<sup>1</sup> “2023 Citywide Indicators Report”. Released October 2023. [Citywide Indicators Report | MOCS \(nyc.gov\)](#)

<sup>2</sup> “Rebuild, Renew, Reinvent: A Blueprint for New York City’s Economic Recovery”. Released March 10, 2022.

<https://www1.nyc.gov/assets/home/downloads/pdf/office-of-the-mayor/2022/Mayor-Adams-Economic-Recovery-Blueprint.pdf>

for certification from the community-based groups that comprise the New York City Council-funded M/WBE Leadership Associations, and the SBS network of Business Solutions Centers located throughout the five boroughs. This helps to ensure higher quality applications, making the submission and the certification review process easier and simpler. Between July 2023 and September 2023, SBS certified 278 new M/WBEs and recertified 312 M/WBEs, bringing the total number of City-certified companies to 10,846 as of September 30, 2023. Partners also help support the business growth of M/WBEs with marketing workshops, networking events, and business development services. During the reporting period, SBS collaborated with local development corporations, trade associations, industry membership organizations, and local chambers of commerce on 17 events to spread the word about the benefits of certification and the range of capacity-building services available citywide to help businesses grow.

### **Emerging Business Enterprise Program**

Local Law 12 of 2006 created the Emerging Business Enterprise (EBE) program, directed at expanding procurement opportunities to disadvantaged businesses. Although similar outreach approaches and capacity-building initiatives were, and continue to be, undertaken by SBS to successfully implement the M/WBE and EBE programs (SBS often targets potential M/WBE and EBE groups simultaneously), the outcomes of such measures are quite different. Like the federal Disadvantaged Business Enterprise (DBE) program, eligibility for EBE certification under the City's program requires that applicants satisfy a two-prong test of economic and social disadvantage. Where social disadvantage is presumed for M/WBEs and further evaluation of social or economic disadvantage criteria is not required for those individuals, the City's program criteria rely on individual and specific determinations of an applicant's disadvantage. As of September 30, 2023, there were 31 certified EBE companies. Unlike the M/WBE program, limited participation in the EBE program has made it difficult for City agencies to set goals on contracts. During the first quarter of FY 2024, 1 EBE was awarded a subcontract in the amount of \$52,000. SBS continues to strive towards increasing participation in the EBE program through a wide range of outreach efforts regularly conducted with businesses and community partners. Once increased participation in the EBE program is achieved, City agencies will have sufficient availability of certified EBE firms needed to set feasible contract goals.

## **Locally-based Enterprise Program**

Although the Locally-based Enterprises (LBE) program is not referenced in Administrative Code §6-129, LBE is a certification category administered by SBS, and the applicability of the LBE program in City procurement is impacted by the M/WBE program. As set forth in Administrative Code §6-108.1, the LBE program is designed to promote the growth of small construction firms through greater access to contracting opportunities with the City. Generally, the program requires agencies to utilize LBEs as a prime or subcontractor on specific construction contracts. However, the number of contracts subject to the LBE program has substantially decreased in recent years due to other goal-setting programs established by the City, State, and federal governments. Under the LBE program rules, contracts are excluded from the program if they are federally, or State funded and subject to their requisite goal programs. Federally funded construction projects are generally subject to the DBE program, and State funded contracts are subject to other goals and requirements as well, including Article 15-A of the New York State Executive Law. As many City construction contracts are federally and State funded and subject to subcontracting goals under those programs, they are not covered by the LBE program. With the creation of the City's M/WBE program, M/WBE subcontracting goals are applied to City-funded construction contracts in lieu of LBE goals. Accordingly, this further limits the applicability of the LBE requirements.

As of September 30, 2023, there were a total of 20 LBE certified firms. Many of our LBEs are also certified as M/WBEs and can be considered for subcontracting opportunities on City construction projects with M/WBE goals. During the first quarter of FY 2024, 1 LBE was awarded a subcontract in the amount of \$365,000.

## **Selling to Government**

SBS offers selling to government services that help M/WBEs navigate the City's procurement system. Services are provided through a combination of workshops and one-on-one assistance. To be an effective bidder on City contracts, M/WBEs must understand the City's procurement rules and how to respond to solicitations. M/WBEs must also maintain the most up-to-date information on their profile in the SBS Online Directory of Certified Businesses ([www.nyc.gov/buycertified](http://www.nyc.gov/buycertified)) and other City procurement systems. During Q1 of FY24, SBS held a total of 31 workshops attended by a total of 1,420 participants to help M/WBEs build knowledge and understanding of the City's procurement rules, procurement portals, how to effectively respond to solicitations, and best practices in contract management.

Also, during the reporting period, 334 firms were supported through 458 instances of one-on-one technical

assistance for submitting the most competitive bids and proposals, navigating government procurement, and successfully performing on contracts with the City.

On October 2nd, SBS hosted the 2023 Citywide M/WBE Procurement Fair at the Barclays Center, convening a record number of M/WBEs. The Adams administration delivered remarks, announcing over \$6 billion in contracts awarded by City agencies and affiliated entities to M/WBEs in the first full fiscal year of the administration. Deputy Mayor Sheena Wright, Deputy Mayor Maria Torres-Springer, SBS Commissioner Kevin D. Kim, Director Lisa Flores, Chief Business Diversity Officer Michael Garner and Greg Bishop of the Brooklyn Social Justice Fund, delivered remarks about continued plans to help M/WBEs succeed. In addition to the well over 1,200 M/WBEs in attendance, 90 exhibitors including City and State agencies, financial lenders, and other public and private partners also participated. The fair offered 10 opportunity rooms featuring panels and workshops to connect M/WBEs with various opportunities and resources from city agencies including NYC Public Schools, NYC Office of Technology and Innovation, NYC Department of Citywide Administrative Services, NYC Department of Transportation, NYC Department of Design & Construction, NYC Housing Preservation & Development, and the Mayor's Office of Contract Services.

SBS also works with the New York City Council through the M/WBE Leadership Associations to provide certified firms with more capacity-building services, such as help applying for loans and surety bonds, preparing bids and proposals, and marketing to both the public and private sectors. In Q1 FY 2024, member organizations sponsored 15 events, provided 482 one-on-one assistance sessions, assisted with 28 loan applications, and awarded 24 loans to M/WBEs.

### **Capacity Building**

In addition to the requirement that the City finds vendors responsible, State law also requires that most contracts be awarded to the lowest responsive bidder or the best proposer. SBS has worked aggressively to expand opportunities for minority and women-owned firms by connecting them to a comprehensive range of programs that provide procurement technical assistance and capacity building support, as well as other resources to help them navigate and compete in the public procurement marketplace.

SBS administers a set of capacity-building programs and services for M/WBEs and small businesses that are designed to help firms better bid on, win, and perform on City contracts.

[Bond Readiness](#) provides certified construction and trade companies with financial and project management skills to help them secure or increase surety bonds necessary to compete on City contracts. The program offers a 12-session cohort conducted over 24 weeks that provides classroom instruction, agency participation, training, and one-on-one assistance, as well as introductions to a network of surety agents. Firms are encouraged to bid on City contract opportunities where appropriate, while applying for pre-approval for bonding during the program. In FY 2023, 31 participants representing 29 firms graduated from the 13th cohort.

[Bonding Services](#) provides certified construction and trade companies with access to six-hour QuickBooks for Construction clinics, webinars, and one-hour one-on-one bonding assistance sessions to assist firms with organizing their bookkeeping and accounting practices, preparing applications for bonding, and understanding surety bond application preparation concepts, respectively, to compete for larger City contract opportunities. In Q1 of FY 2024, there were 2 QuickBooks for Construction clinics with 45 participants, 3 webinars with 110 participants, and 21 firms participated in 40 one-on-one bonding assistance sessions.

[M/WBE Contract Legal Services](#), launched in March 2022, is designed to provide certified firms with education and legal consultation clinics so that they become informed consumers of legal services; enter into commercial contracts with an understanding of terms, conditions, obligations, and rights; equip them with the tools and strategies to negotiate, or re-negotiate, commercial contracts that reflect their best interests and minimize their risk; and understand their obligations, rights, and recourse under existing commercial contracts. During the reporting period, 110 participants attended 3 webinars and 37 attendees participated in 2 legal consultation clinics.

[M/WBE Mentors Program](#), launched in January 2021, is designed to create spaces for peer mentorship and networking amongst NYC-certified M/WBEs. Through curated, industry-focused events, owners representing a variety of industries and backgrounds serve as mentors to less experienced M/WBEs. By mining their own experiences for advice, these mentors provide the insight their peers need to chart their own path of growth through government contracting. In Q1 of FY 2024, the Program hosted 1 event with 17 participants.

[NYC Construction Ramp-Up Program](#) launched its first cohort in June 2023. This intensive educational, training, and mentorship program helps M/WBE construction firms understand the requirements of the City's pedestrian ramp rehabilitation projects to successfully compete and qualify for the work and an upcoming

related M/WBE Pre-Qualified List (PQL). During the reporting period, 21 participants representing 20 unique firms graduated from the first cohort.

[Contract Financing Loan Fund](#) was launched in FY 2017 by the New York City Economic Development Corporation and SBS. The Loan Fund enhances the ability of business owners to access the capital they need to win, take on and perform successfully on NYC contracts, and reduce the cost of capital to a 3% annual interest rate. In Q1 of FY 2024, 3 loans totaling \$1,095,000 were awarded through the Loan Fund to certified M/WBEs.

### **Program Compliance**

To ensure that all agency staff responsible for purchasing activities are knowledgeable about the M/WBE program and their agency's goals, SBS, MOCS, and OM/WBE conduct agency training sessions. During the first quarter of FY 2024, 140 procurement professionals from 19 agencies attended 2 training sessions. The topics included implementation of M/WBE policy of the New York City Administrative Code, strategies and best practices used to identify M/WBEs for contract opportunities, M/WBE goal setting, and enhancing M/WBE procedures in all contract areas.

Quarterly compliance meetings with agency commissioners and M/WBE officers are held to discuss utilization and agency initiatives to increase M/WBE performance. In Q1 of FY 2024, the First Deputy Mayor Sheena Wright, the Citywide M/WBE Director, in partnership with the Chief Business Diversity Officer, Michael Garner held the first FY2024 quarterly compliance meeting on October 20, 2023. The meeting was attended by 63 attendees representing 36 agencies. The Chief Business Diversity Officer also launched monthly all-agency accountability meetings accompanied with weekly agency focus groups in April 2023 which have continued through the duration of this reporting period.

## Qualified Joint Venture Agreements

During the reporting period of Q1 FY 2024, two M/WBEs were awarded \$12,048,657 in qualified joint ventures.

Industry	Total Contract Value	# of contracts	Ethnicity	Value to MWBE	%
Architecture/Engineering	\$16,014,314.96	1	Male-Owned MBE - Asian	\$8,007,157.48	50.00%
Construction Services	\$8,083,000.00	1	WBE - Caucasian Woman	\$4,041,500.00	50.00%

## Prime Contract M/WBE Utilization

Table 1 below summarizes prime contracts awarded by City agencies during FY 2024 Q1. M/WBEs were awarded over \$235 million in prime contracts amounting to 19% of all such awards during this reporting period. The prime contracts in this table include industries and awards made using methods subject to the M/WBE program.

Table 1 - FY 2024 Q1 - Prime Contracts Utilization by Industry					
Industry and Size Group	Total M/WBE			Total	
	Count	Value	%	Count	Value
<b>Construction Services</b>	4,008	\$65,129,560	12%	4,866	\$540,501,127
Micro Purchase	3,989	\$4,716,101	77%	4,804	\$6,129,436
Small Purchase	3	\$210,415	81%	4	\$258,410
>\$100K, <=\$1M	9	\$6,027,846	57%	15	\$10,538,504
>\$1M, <=\$5M	4	\$11,411,697	26%	14	\$44,504,262
>\$5M, <=\$25M	3	\$42,763,500	14%	24	\$299,660,190
>\$25M	-	\$0	0%	5	\$179,410,324
<b>Goods</b>	1,271	\$26,676,940	57%	2,585	\$46,989,594
Micro Purchase	1,155	\$9,862,263	54%	2,411	\$18,242,836
Small Purchase	88	\$5,247,491	69%	124	\$7,623,152
>\$100K, <=\$1M	28	\$11,567,186	55%	50	\$21,123,607
>\$1M, <=\$5M	-	\$0	0%	-	0
>\$5M, <=\$25M	-	\$0	0%	-	0
>\$25M	-	\$0	0%	-	0
<b>Professional Services</b>	317	\$76,561,681	18%	820	\$436,271,452
Micro Purchase	198	\$2,150,596	38%	649	\$5,728,191

<b>Table 1 - FY 2024 Q1 - Prime Contracts Utilization by Industry</b>					
<b>Industry and Size Group</b>	<b>Total M/WBE</b>			<b>Total</b>	
	<b>Count</b>	<b>Value</b>	<b>%</b>	<b>Count</b>	<b>Value</b>
Small Purchase	36	\$2,419,267	75%	48	\$3,245,964
>\$100K, <=\$1M	76	\$24,943,003	83%	86	\$30,134,606
>\$1M, <=\$5M	5	\$13,048,815	50%	11	\$26,177,410
>\$5M, <=\$25M	2	\$34,000,000	11%	25	\$320,985,282
>\$25M	-	\$0	0%	1	\$50,000,000
<b>Standardized Services</b>	<b>199</b>	<b>\$66,635,379</b>	<b>37%</b>	<b>1,013</b>	<b>\$181,550,570</b>
Micro Purchase	159	\$1,802,681	33%	928	\$5,455,654
Small Purchase	15	\$1,237,930	48%	32	\$2,580,419
>\$100K, <=\$1M	21	\$7,310,789	63%	31	\$11,605,441
>\$1M, <=\$5M	1	\$1,233,000	3%	17	\$43,204,805
>\$5M, <=\$25M	2	\$22,275,275	80%	3	\$28,019,120
>\$25M	1	\$32,775,705	36%	2	\$90,685,131
<b>Total</b>	<b>5,795</b>	<b>\$235,003,559</b>	<b>19%</b>	<b>9,284</b>	<b>\$1,205,312,743</b>

Agencies are not required to apply participation requirements to certain types of contracts. (See, NYC Administrative Code § 6-129(q) (1)-(7).) Table 1 above and the subsequent discussion of M/WBE performance include those contracts that have been counted towards the City’s M/WBE program.

As required by §6-129 of the Administrative Code, M/WBE performance data (see Appendices – Tables A - F)<sup>3</sup> is summarized separately for each of the following categories: MBE, WBE, minority women (certified as both MBE and WBE), and total M/WBE. MBEs include all minority-owned businesses, regardless of gender. WBEs include all women-owned businesses regardless of ethnicity.

In those areas of procurement where agencies have greater discretion to target procurements to M/WBEs (i.e., micropurchases and small purchases), M/WBE utilization remains strong. In FY 2024 Q1, M/WBEs were awarded over \$18.5 million worth of micro purchases, or 52% of the dollar value of all such awards. Additionally, for small purchases the M/WBE utilization rate was 66% of the dollar value of all such awards (over \$9 million awarded).

A total of 9,284 prime contracts were awarded during FY 2024 Q1. M/WBE utilization on prime contracts during the reporting period is detailed below. Highlights include M/WBEs being awarded:

<sup>3</sup> Appendices - Tables A – I can be found on the MOCS website at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

- 68% of the value of contract awards valued between \$100,000 and at or below \$1 million (approximately \$50 million)
- 23% of the value of contract awards valued between \$1 million and at or below \$5 million (over \$25 million)
- 15% of the value of contract awards valued between \$5 million and at or below \$25 million (over \$99 million)
- 10% of the value of contract awards valued above \$25 million (over \$32 million)

Agency-by-agency and certification category details corresponding to Table 1 above are included in the Appendices to this report (Tables A - B).

Most prime contracts reflected in the data (except the professional services contracts, for example) are required by New York State law to be procured via competitive sealed bid. Under General Municipal Law (GML) § 103, agencies must, for the majority of the contracts covered by the program, accept the lowest responsible bid and may not give a bidder preference because of its M/WBE status. City agencies' efforts to achieve their M/WBE participation goals through prime contract awards are thus limited to such means as increased outreach and training aimed at encouraging M/WBEs to bid successfully on various procurements. Even for procurements not covered by GML § 103, such as professional services contracts, GML § 104-b precludes agencies from pursuing social policy goals unrelated to the procurement of goods and services, including M/WBE status.

#### Prime Contracts with M/WBE Participation Goals

Under the M/WBE program, larger prime contracts with anticipated subcontracting are subject to participation goals and must be reported on pursuant to §6-129(l)(b)(i). During the reporting period, agencies awarded 78 new prime contracts subject to M/WBE participation requirements with 10% of the value of those awards made to certified M/WBE firms.

#### **Subcontract M/WBE Utilization**

M/WBE utilization with respect to approved subcontracts during the reporting period is demonstrated in Table 2 below. As shown, of the 420 approved subcontracts subject to the program, 270 were awarded to M/WBE firms. The approved subcontracts awarded to M/WBEs amounted to over \$63 million and represent 73% of the value of all qualifying subcontracts. For more details, see Appendices – Tables E - F.

Table 2 - FY 2024 Q1 - Subcontracts Utilization by Industry					
Industry/Size Group	M/WBE			Total	
	Count	Value	%	Count	Value
<b>Construction Services</b>	125	\$30,519,601	66%	216	\$45,924,287
Micro Purchase	40	\$610,197	49%	85	\$1,242,259
Small Purchase	28	\$1,842,035	65%	45	\$2,823,010
>\$100K, <=\$1M	52	\$13,937,184	68%	76	\$20,528,333
>\$1M, <=\$5M	3	\$3,883,273	35%	8	\$11,083,773
>\$5M, <=\$25M	2	\$10,246,912	100%	2	\$10,246,912
>\$25M	0	\$0	0%	-	\$0
<b>Goods</b>	0	\$0	0%	0	\$0
Micro Purchase	0	\$0	0%	0	\$0
Small Purchase	0	\$0	0%	0	\$0
>\$100K, <=\$1M	0	\$0	0%	0	\$0
>\$1M, <=\$5M	0	\$0	0%	0	\$0
>\$5M, <=\$25M	0	\$0	0%	0	\$0
>\$25M	0	\$0	0%	0	\$0
<b>Professional Services</b>	116	\$24,363,689	76%	169	\$32,142,352
Micro Purchase	23	\$235,945	43%	55	\$552,947
Small Purchase	49	\$2,869,288	77%	60	\$3,714,628
>\$100K, <=\$1M	43	\$18,558,457	92%	51	\$20,115,917
>\$1M, <=\$5M	1	\$2,700,000	35%	3	\$7,758,860
>\$5M, <=\$25M	0	\$0	0%	-	\$0
>\$25M	0	\$0	0%	-	\$0
<b>Standardized Services</b>	29	\$8,930,059	94%	35	\$9,456,559
Micro Purchase	3	\$34,250	61%	6	\$55,750
Small Purchase	11	\$488,636	84%	12	\$583,636
>\$100K, <=\$1M	13	\$4,907,173	92%	15	\$5,317,173
>\$1M, <=\$5M	2	\$3,500,000	100%	2	\$3,500,000
>\$5M, <=\$25M	0	\$0	0%	-	\$0
>\$25M	0	\$0	0%	-	\$0
<b>Total</b>	<b>270</b>	<b>\$63,813,349</b>	<b>73%</b>	<b>420</b>	<b>\$87,523,197</b>

## Waivers

A vendor that plans to submit a bid or proposal in response to a solicitation for a contract that is subject to M/WBE participation goals may seek to request a reduction in the goals by filing a waiver request with the contracting agency during the pre-bid or pre-proposal stage. The agency and MOCS then evaluate the extent to which the vendor's business model and subcontracting history is consistent with this request. In order to

qualify for a waiver, a vendor must show both the capacity to execute the contract with less subcontracting than projected and legitimate business reasons to do so. A vendor that receives a full waiver has demonstrated that they would be able to fully self-perform the contract without using subcontractors if awarded the contract. A vendor that obtains a partial waiver has demonstrated that they will subcontract at a lower amount than the participation goal established by the agency.

During the reporting period, vendors sought a total of 23 requests for waivers of the M/WBE participation requirements at the pre-bid or pre-proposal stage. Of those requests, 13 were denied, while 3 were approved as full waivers and 7 were approved as partial waivers, see Appendices – Table G. Since waivers may be granted only to vendors that demonstrate both the capacity to perform the prime contract without subcontracting and a prior contracting history of doing similar work without subcontracting, some of the waivers that were granted involved repeated requests from the same firms, as they sought multiple bidding opportunities.

During the reporting period, 1 contract was registered where a winning vendor obtained either a full or partial waiver of the total participation goal. Thus, of the 23 requests received, and 10 full or partial waiver requests granted, only 1 contract ultimately had an M/WBE subcontractor participation goal impacted by a waiver request. For more details, see Appendices – Table G and H.

### **Large-Scale Procurement Approvals**

Prior to soliciting procurements with an anticipated value of over \$10 million, City agencies are required to seek MOCS approval to determine whether it is practicable to divide the proposed contract into smaller contracts and whether doing so would enhance competition among M/WBEs. During the reporting period, there were 5 registered contracts for which MOCS conducted large-scale procurement reviews. A full list is shown in Appendices Table I. The value of the 5 approved contracts shown in Appendices Table I is over \$98 million.

Approximately 57% of the value of the large-scale approvals during FY 2024 Q1 were for either single indivisible projects or projects with multiple sites. These approvals were for projects in which separate and smaller contracts would not enhance M/WBE opportunities. For more details, see Appendices – Table I.

## **Complaints, Modifications and Noncompliance**

There were no findings of noncompliance during the reporting period.

The first modification determination involved a contract managed by DDC for the rehabilitation of pedestrian ramps in the Borough of Queens. The prime contractor initially agreed to meet the 33% goal by subcontracting multiple scopes including landscaping, arborist services, photography, crossing guards, trucking, pavement markings, flatwork (corner steel faced curb, concrete curbs, asphalt paving), and temporary signs to M/WBEs. Due to COVID-19 pandemic, the project was delayed for a year. The M/WBE receiving the largest subcontract, valued at over \$3.6 million, was asked to be removed from the project citing the impact of the pandemic on material and labor costs. After soliciting over 275 MWBEs, the prime vendor was not able to locate an alternate subcontractor and eventually self-performed this work, resulting in a 3% M/WBE participation goal.

The second modification determination involved a contract managed by DDC for construction of right-of-way green infrastructure in tributary areas in the Borough of Queens. The prime contractor initially agreed to meet the 31% goal by subcontracting multiple scopes to 12 M/WBEs. DDC made changes to the contract scope which impacted many of the scopes that the vendor had intended to subcontract to M/WBEs. Due to the scope removals on this contract decreasing subcontracting opportunities, MOCS approved the modification of the M/WBE participation goal to 20%.

The third modification determination involved a contract managed by DOB for the development of the NYC Construction Code provisions regulating the construction and maintenance of waterfront structures. The prime contractor initially agreed to meet the 26% goal by identifying multiple M/WBEs. After the work had begun on the contract, COVID-19 pandemic suspended all work. When the suspension was lifted, the M/WBE subcontractors were unavailable to perform the work under the contract due to loss or change of staff, financial capacity, and other contractual commitments. After attempts by the vendor to identify additional M/WBE subcontractors to make up the shortfall, MOCS granted a modified M/WBE participation goal of 21%.

There were no formal complaints made during the reporting period.