



Battery Park City Authority

Guidance for Contractors on MWBE Utilization

As a State Authority, Battery Park City Authority (BPCA) must abide by Article 15A of the Executive Law, regarding the inclusion of minority- and woman-owned businesses on NY State contracts. In 2014, Governor Cuomo raised minority- and women-owned business (MWBE) goals to 30% on ALL State contracts, effective as of January 1, 2015. BPCA has an established track record in helping contractors meet and - where possible - exceed this goal. As a potential bidder on a BPCA contract, it is important for you to know:

- Each RFP states goals for the utilization of MWBEs, totaling a minimum of 30% of the contract value.
- MWBEs must be certified by the Empire State Development Corporation (ESDC) in order to count toward the State's 30% goal.
- BPCA takes MWBE utilization seriously. As such, utilization is usually one of the evaluation criteria in RFPs.
- Goals may be achieved through sub-contracting agreements, but we encourage contractors to think of them as partnerships when doing so, and reflect in their proposals how the firms will work together.
- A database of all certified MWBEs may be found here:
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=757>
- Should you know of a firm that is at least 51% owned by a minority and/or woman and it is not certified, information on how to become certified in New York State may be obtained by visiting <https://ny.newnycontracts.com/> or by contacting the Division of Minority and Women's Business Development:

633 Third Avenue
New York, NY 10017-6706
Phone: [\(212\) 803-2411](tel:(212)803-2411)
[\(855\) ESD-4MWB](tel:(855)ESD-4MWB)

- If your firm believes the goals cannot be obtained, a waiver request MUST be made. It is helpful in such cases for you to have documentation supporting all of your outreach efforts made in an attempt to identify a potential MWBE partner. Please keep in mind that BPCA does not approve or disapprove waivers. All waiver requests are forwarded to ESDC for determination of approval or denial. If not approved, you must meet the goal.
- If you are awarded a BPCA contract, MWBE monthly utilization forms are required, along with proof of payments made to MWBEs. The required forms will be distributed to you if you are the winning bidder.
- BPCA has the right to withhold payment as well as impose a fine if you as a contractor fail to comply with your contractually obligated MWBE goals.
- PLEASE REMEMBER, BPCA's Diversity Department staff is here to assist you in whatever way we can. If you have any questions or concerns regarding MWBE requirements, please do not hesitate to contact:

Anthony Peterson
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