

# M/WBE PROCUREMENT & CONTRACT METHOD



The M/WBE Procurement & Contract Method (also referred to as the “MWBE Noncompetitive Small Purchase” or “The M/WBE Discretionary Method”) is a new procurement method that the New York City Public Schools (NYCPS) can utilize to procure goods and services from NYC-certified Minority or Women-Owned Business Enterprise (M/WBE) vendors. This method allows NYCPS to solicit exclusively from NYC-certified M/WBE vendors and offers a streamlined procurement process for goods and services not to exceed \$1,500,000 per contract. The Division of Contracts and Purchasing (DCP), supported by the Office of Supplier Diversity, manages a simplified procurement process for this method. Below are the restrictions and terms of use.

## PERMISSIBLE PURCHASES

The M/WBE Procurement & Contract Method is available for the procurement of:

- Construction
- Goods
- Professional Services (excluding Human Services\*)
- Standard Services (e.g., security, janitorial, secretarial, transportation, office machine repair, collection, food-related services, and maintenance services)

## EXCLUSIONS

The M/WBE Procurement & Contract Method is NOT available for the procurement of:

- Human Services\* (e.g., Universal Pre-K)
- Goods or services funded by NY State
- Goods or services from non-profit organizations, as they cannot obtain M/WBE certification
- Goods or services currently under contract (to be determined/verified by DCP)
- Goods or services from M/WBE vendors certified by NY State but not certified by The City of New York.

## RESTRICTIONS

The following restrictions apply to the M/WBE Procurement & Contract Method (M/WBE PCM):

- **M/WBE certification:** The M/WBE PCM must be utilized with a New York City-certified M/WBE vendor only.
- **For goods:** Goods ranging from \$15,000 to \$1,500,000 can be purchased through the M/WBE PCM. Goods purchases below \$15,000 do not require a contract.
- **For services:** Services ranging from \$25,000 to \$1,500,000 can be purchased through the M/WBE PCM. Services purchases below \$25,000 do not require a contract.
- **Spending limit:** Procurements must not exceed \$1,500,000 over the life of the contract.
- **Division of funds:** Procurements must not be artificially divided to fall under the \$1,500,000 limit.
- **Federal funds:** When utilizing federal funds, the contract may not exceed \$250,000 over the life of the contract.
- **State Funds:** The M/WBE PCM CANNOT be used if the contract is funded by state dollars.
- **Subcontracting:** The prime vendor is restricted from subcontracting more than 40% of the total contract award.
- **Human Services:** The M/WBE PCM CANNOT be used to purchase human services.\*

\*Human services: The term "human services" means social services contracted for by an agency on behalf of third-party clients, including but not limited to: daycare, foster care, home care, health or medical services, housing and shelter assistance, preventive services, youth services, the operation of senior centers, employment training and assistance, vocational and educational programs, legal services, and recreation programs.

## STANDARD OPERATING PROCEDURES (SOP)

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### PROCUREMENT MILESTONES

**Pre-solicitation:** Draft scope, conduct Requests for Information (as needed) prior to releasing the final solicitation to the vendor community.

**Solicitation:** Vendors are allowed to review the solicitation documents, submit questions, and submit price quote.

**Evaluation/Bid Review:** The program office reviews quotes/ proposals and makes award recommendations.

**Panel Review:** Contracts submitted to PEP for approval.

**Contract Execution:** Contract drafting, Corp Counsel approval, and contract execution by the vendor and NYCPS Legal Department.

**Registration:** Contracts sent to Comptroller for registration.

## RESOURCES

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### Division of Contracts & Purchasing (DCP)

For questions regarding permissible purchases, exclusions, and restrictions, please contact the appropriate Chief Administrator at DCP.

### M/WBE Certification

Vendors can determine their certification eligibility and apply for M/WBE certification by visiting the New York City Small Business Services (SBS) website:

<https://nyc-business.nyc.gov/nycbusiness/mwbe?page=m-wbe-certification>.

### Office of Supplier Diversity

For assistance in finding qualified M/WBE vendors or inquiries about utilizing the M/WBE Procurement & Contract Method, please contact the Office of Supplier Diversity via email at [mwbe@schools.nyc.gov](mailto:mwbe@schools.nyc.gov).