

M/WBE PROCUREMENT & CONTRACT METHOD



The M/WBE Procurement & Contract Method (previously referred to as the “MWBE Noncompetitive Small Purchase” or “The M/WBE Discretionary Method”) is a new procurement method that the New York City Department of Education (DOE) can utilize to procure goods and services from Minority or Women-Owned Business Enterprise (M/WBE) vendors. This method allows the DOE to leverage the certification of NYC-certified M/WBE vendors and offers a streamlined procurement process for goods and services up to \$1,500,000 per scope of work. The Division of Contracts and Purchasing (DCP), supported by the Office of Supplier Diversity, manages a limited competitive 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.
- **Recovery for All:** Based on guidance from the Mayor’s Office, wherever practicable, the pool of solicited vendors should be limited to Black/Hispanic/Native American/Asian woman-owned firms for all MWBE PCMs with a total estimated value of \$500k or less.
- **For goods:** Goods ranging from \$30,000 to \$1,500,000 can be purchased through the M/WBE PCM. Goods below \$30,000 do not require a contract if purchased from a city-certified MWBE.
- **For services:** Services ranging from \$50,000 to \$1,500,000 can be purchased through the M/WBE PCM. Services below \$50,000 do not require a contract if purchased from a city-certified MWBE.
- **Spending limit:** Procurements must not exceed \$1,500,000 over the life of the contract per scope of work.
- **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 per scope of work.
- **Subcontracting:** The prime vendor is restricted from subcontracting more than 40% of the total contract award.
- **Approval for schools:** Schools must submit requests for purchases utilizing the M/WBE PCM to the Division of School Leadership.

*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.

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STANDARD OPERATING PROCEDURES (SOP) + TIMELINE

PROCUREMENT MILESTONES	ANTICIPATED TIME**
Pre-solicitation: Draft scope prior to releasing the final solicitation to the vendor community.	3 Weeks
Solicitation: The time period during which vendors are allowed to review and submit proposals.	2 Weeks
Evaluation/Bid Review: The time period for vetting mini proposals/bids and completing the evaluation process.	3 Weeks
Panel Review: PEP and all post-determination-of-award activities.	2.5 months
Contract Execution: Contract drafting, Corp Counsel approval, and contract execution by Legal.	2 month
Registration: Comptroller self-registration.	1 Week

The approximate timeline from pre-solicitation to registration is four months.

RESOURCES

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:

<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 Method, please contact Matthew Coffey at the Office of Supplier Diversity via email at mcoffey3@schools.nyc.gov.