

# New York City Department of Education (NYCDOE) Minority and Women-owned Business Enterprises (M/WBE) Subcontracting Requirements

## What are the NYCDOE M/WBE Subcontracting Requirements?

- Commitment to Minority and Women-owned Business Enterprises
- Supporting Minority and Women-owned Businesses Enterprises (M/WBEs) holds significant importance for both the Mayor and the NYCDOE Chancellor. The Mayor has set ambitious M/WBE utilization goals for NYC, aiming for \$25 Billion by FY26 and \$60 Billion by FY30 across all city agencies. Similarly, the Chancellor has established ambitious targets for M/WBE spending, including a 30% M/WBE subcontracting goal.
- Additionally, the Agency's procurement policy and procedures has been amended to ensure increased competition, opportunity, and access for M/WBE businesses that reflect the families and communities of NYC.

### Legal Authority

All new applicable solicitations will contain Administrative Code 6-129 M/WBE Subcontracting Goals as set forth in the relevant Utilization Plan (Schedule B), effective as of March 27, 2023.

## SOLICITATION UTILIZATION REQUIREMENTS

### M/WBE Utilization Plan (Schedule B)

The subcontracting goals, as outlined in the M/WBE Utilization Plan (Schedule B), are determined by the scope of work for the specific solicitation and the availability of M/WBEs in the market. It's important to note that while permissible, subcontracting to non-M/WBE certified firms will not count towards meeting the participation goals.

### Prime Bidders/Proposers that are not NYC/NYS M/WBE certified

Non-M/WBE Certified Prime Bidders/proposers are typically required to subcontract 30% of the total contract value to M/WBEs, with disaggregated goals specified in the Schedule B. They should consult the participation requirements detailed in the bid/proposal document and Part 1 of the Schedule B for each individual solicitation.

### Prime Bidders/Proposers that are NYC/NYS M/WBE certified

A bidder/proposer certified as an M/WBE can count its own participation toward the specified Participation Goal. However, if there are specific disaggregated goals for which it is not self-performing, it may be required to subcontract to meet the overall Participation Goal.

## CONTRACTOR SCHEDULE B SUBMISSION REQUIREMENTS

### Subcontracting Goals

Bidders/Proposers must comply with the total and disaggregated subcontracting goals as set forth in Part 1 of the M/WBE Utilization Plan (Schedule B). **These goals cannot be altered by the bidder/proposer.**

### M/WBE Utilization Plan (Schedule B) submission

**Bidders/Proposers are required to submit a compliant M/WBE Utilization Plan form (Schedule B) as part of the bid/proposal submission.** This form requires bidders/proposers to provide detailed information in Part 2 of the M/WBE subcontractors they intend to use to meet the participation requirements unless approved for a full or partial waiver prior to the bid/proposal submission deadline.

### Waiver of the M/WBE Participation Goals

To request a waiver of the Participation Goals, complete Part 3 of Schedule B and email it to [mwbecontracts@schools.nyc.gov](mailto:mwbecontracts@schools.nyc.gov) at least twelve (12) business days before the bid/proposal deadline. Late requests may not be considered. Approved waivers require submission of Part 3; otherwise, submit Part 2 with the bid/proposal document. **No requests will be reviewed alongside bid/proposal submissions.**

### Schedule B- M/WBE Utilization Plan To-do list!

- Review the Schedule B for the M/WBE Disaggregated and Total Participation Goals
- Review the solicitation document to identify Subcontracting Scopes
- Search the NYC SBS & NYS Empire online directories for Certified M/WBEs
- Identify M/WBEs to work on the Subcontracting Scopes
- Use the NYCDOE Schedule B Instruction Sheet to complete the M/WBE Utilization Form
- If a waiver of the goals is approved, please include Part 3 of the Schedule B with the bid/proposal submission
- If a waiver is denied, you must adhere to the stated goals and include the completed Part 2 of the Schedule B with the bid/proposal submission

## RESOURCES

A list of city-certified M/WBE firms may be obtained from the DSBS website at [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified) or by emailing DSBS at [buyer@sbs.nyc.gov](mailto:buyer@sbs.nyc.gov)

A list of state-certified M/WBE firms may be obtained from the NYS M/WBE Directory at [www.ny.newnycontracts.com](http://www.ny.newnycontracts.com)

Firms that have not yet been certified may contact DSBS in order to seek certification by visiting [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified), or emailing [MWBE@sbs.nyc.gov](mailto:MWBE@sbs.nyc.gov)

For more information and guidance on M/WBE Participation Goal requirements and completing Schedule B, refer to Article 1. – M/WBE Program in the bid/proposal document and consult the Schedule B Instruction Sheet available with the bid/proposal.

