

Certification Made Easy

A "How to" Guide on the Application Process & the Benefits Received

A Division of Empire State Development

Agenda

- ✓ Welcome & Background (Division of Minority and Women's Business Development & Article 15-A of the Executive Law)
- ✓ Benefits of being MWBE Certified with NYS
- ✓ NYS MWBE Eligibility Requirements
- ✓ Applying for NYS MWBE Certification
- ✓ Updating Vendor Profiles (Your Public Profile)
- ✓ Commodity Codes and Profile Updates
- Recertification Applications
- ✓ One-on-One Technical Assistance (Accessing resources to fill out your application)
- ✓ Contact us



Division of Minority & Women's Business Development



Division of Minority and Women's Business Development

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www.esd.ny.gov/MWBE.html

Welcome!

In 2014, Governor Cuomo set a 30% MWBE utilization goal in State contracting opportunities. In fiscal year 2017-18, the utilization rate for Minority and Women-Owned Business Enterprises (MWBEs) participating in State contracts increased to 28.62% - the highest in the nation - with MWBEs winning more than \$2.5 billion in State contracts!

Our Division aims to continue to meet or exceed this goal through the promotion of equality of economic opportunities for MWBEs and the elimination of barriers to their participation in New York State contracts.

This "Certification Made Easy" presentation is designed to aid MWBES in how to best approach the NYS MWBE certification application process.

As always, we look forward to continuing to welcome MWBEs as a New York State certified business!

Valerie D. White Executive Vice President & Executive Director Division of Minority & Women's Business Development



Division of Minority and Women's Business Development (DMWBD)

Mission: To promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracts.

Key Objectives:

- Encourage and assist state agencies to award a fair share of contracts to MWBEs.
- Review applications by businesses seeking certification and maintain a directory of certified MWBEs.

Division of Minority

✓ Promote the business development of MWBEs through education and outreach to NYS agencies as well as MWBEs.

For more information: https://esd.ny.gov/doing-business-ny/mwbe

Article 15-A of the Executive Law

- ✓ Signed into law on July 19, 1988;
- Authorized the creation of an Office (now Division) of Minority and Women's Business Development;
- ✓ Aims to promote employment and business opportunities on state contracts for minorities and women;
- ✓ Under this statute, state agencies are charged with establishing employment and business participation goals for minorities and women.

Source:

https://esd.ny.gov/mwbe/programmandate.html



Why should MWBEs get Certified with New York State?





Benefits of Getting NYS MWBE Certified

- ✓ Become part of the NYS Directory of Certified Firms where over 8,500+ MWBE firms are listed! (New York State Contract System: https://ny.newnycontracts.com)
- Access to lending (Bridge to Success Loan Program: https://esd.ny.gov/bridge-success-loan-program) and bonding programs (NYS Surety Bond Assistance Program: https://esd.ny.gov/new-york-state-surety-bond-assistance-program) specific to certified MWBE firms.
- ✓ Access to tailored MWBE procurement and/or contracting opportunities (New York State Contract Reporter: https://www.nyscr.ny.gov)
- ✓ Access to statewide **network of support and services for MWBEs:** invitations to business development workshops and events, <u>MWBE Training Tuesdays webinars</u>, and customized technical assistance. (**DMWBD's website**: https://esd.ny.gov/doing-business-ny/mwbe)





NYS MWBE Certification Application Eligibility Requirements & Getting Started

NYS MWBE Eligibility Requirements

Under Article 15-A of the Executive Law, any for-profit firm that is at least fifty-one percent (51%) owned, operated and controlled by citizens or permanent resident aliens who are either a woman and/or minority is eligible for certification.

List of minority groups who are eligible for certification:

- Black persons having origins from any of the Black African racial groups.
- **Hispanic** persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Native American or Latin American origin, regardless of race.
- Asian-Pacific persons having origins from the Far East, Southeast Asia or the Pacific Islands.
- Asian-Indian subcontinent persons having origins from the Indian subcontinent.
- Native American persons having origins in any of the original peoples of North America.



NYS MWBE Certification Requirements

- Ownership, Operation and Control: All firms seeking MBE, WBE or MWBE certification must be independently owned, operated and controlled by minority and/or women members. The ownership must be real, substantial and continuing, and the minority and/or women members must exercise the authority to independently control the day-to-day business decisions.
- ✓ Small Business Restriction: The firm cannot exceed 300 employees (full-time or part-time).
- ✓ **Independent, Active, and In Business One Year:** The firm must operate independently of other firms, must demonstrate business activity and, generally, the business is required to be in operation for at least one year.
- Out of State Applicants: Firm is to be currently certified as a MWBE in their home state, should a similar process exists, and before applying for MWBE certification, firm must be registered and authorized to conduct business in the State of New York, and have a presence in New York. All applicants must have the 'Authority to do Business in New York State' from the New York State Department of State prior to submitting an application for MWBE certification.

For more information on how to become **authorized to do business in New York**, go to the <u>Department of State</u>, <u>Division of Corporations</u>, call (518) 473-2492 or email: <u>corporations@dos.state.ny.us</u>.

Getting started...



https://ny.newnycontracts.com/

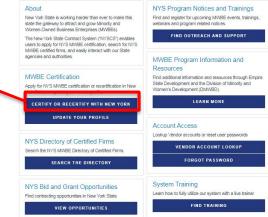


Division of Minority and Women's Business Development

NYS MWBE Certification: Certify with New York



Olick on "Certify or Recertify with New York"





NYS MWBE Certification: New Certification



NEW YORK
STATE OF
OPPORTUNITY.
Division of Minority
and Women's
Business Development

Complete a Vendor Profile – Public Profile Set-up

- ✓ Why is a Vendor Profile important?
 - Acts as an electronic business card
 - Accessible to primes, other firms and state agencies/authorities
 - May lead to potential business opportunities
- Be sure to keep business information current!
- ✓ Any business can have a Vendor Profile regardless of certification status.
- ✓ The Vendor Profile is <u>not</u> the same as the certification application.





The importance of Business Descriptions

The Importance of a Business Description

<u>Pro</u>

Be descriptive;

Use keywords

(specific to your business and industry)

Con

Too broad & general



The Importance of a Business Description - Example



I provide environmental consulting services.

Vs.



Our firm specializes in providing terrestrial ecological / environmental services. Our primary areas of expertise include flora and fauna surveys, biological inventories, wetland delineations, rare species surveys and habitat suitability assessments, vernal pool surveys, invasive species identification and mapping, habitat/community evaluations and mapping, bird surveys by sight and sound, species monitoring using unmanned aircraft (e.g. drone).

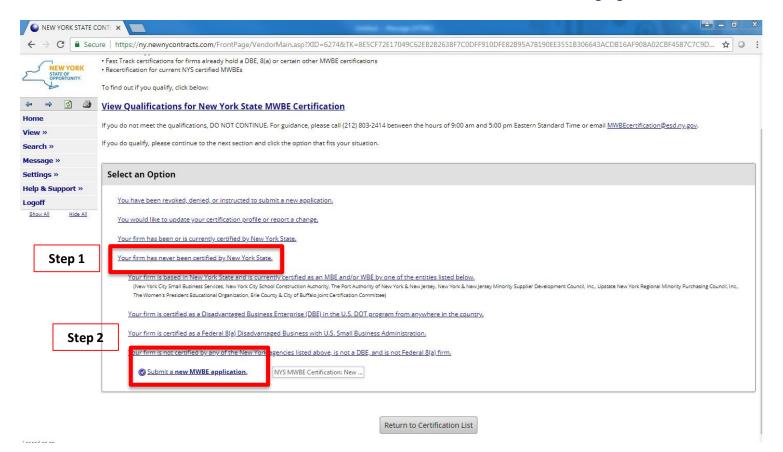
Note: Detailed business descriptions should be provided in both your Vendor Profile (Public Profile) as well as in your NYS MWBE certification application.



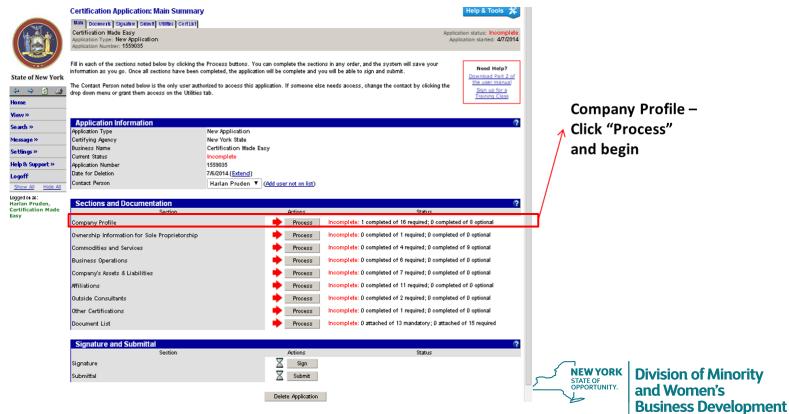


NYS MWBE Certification Application Process

Submit NEW MWBE Certification Application



Certification Application- Company Profile



Documents no longer requested and considered during the *initial evaluation*:

(as of April 2019)

- Personal and Business Taxes beyond one (1) year;
- Current year business financial statements;
- Documented proof of sources of capitalization and investments (e.g. cancelled check – both sides);
- Previous MWBE denials and/or de-certifications;
- Minutes of first corporate meeting (if business is a Corporation);
- > Copies of issued stock certificates (if business is a Corporation).

Note: Firms should be ready to provide the abovementioned documentation, however, if requested by our Certification Unit.



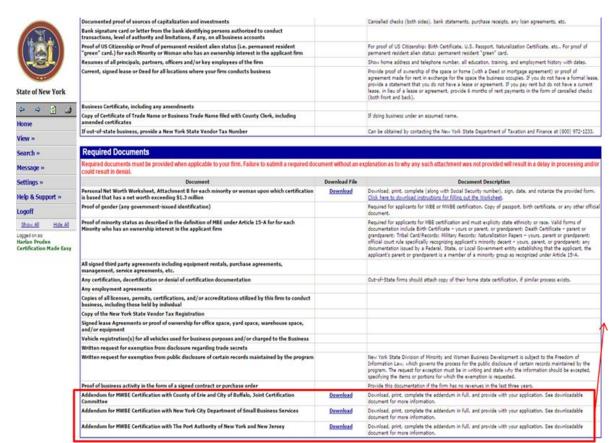
Mandatory & Required Documents

(as of April 2019)

Mandatory Documents	Required Documents
Proof of Citizenship and Gender: Birth records; U.S. passports, Military Records; Green cards	Sole Proprietorships: Assumed Name Certificate from the County Clerk; Most recent year of business taxes
Proof of Business Activity: Current contracts and bids for clients and work in the NYS market area.	
Business Documents: Certificate of Authority to Do Business in New York State from the New York State Department of State; leases; deeds.	Partnership and LLCs: Assumed Name Certificate from the County Clerk; Operating/Partnership Agreement; IRS Form 1065 with the Schedule K-1 Tax Form
Personal and Business Taxes: Complete copies of the most recent year of personal and business taxes.	
Professional Background: Owner's resume(s), professional licensure, permits, certifications.	Corporations: Shareholders' Agreements and Corporate By-Laws; IRS Forms 1120 and 1125-A; IRS W-2 Forms; IRS Form 1065 with the Schedule K-1 Tax Form

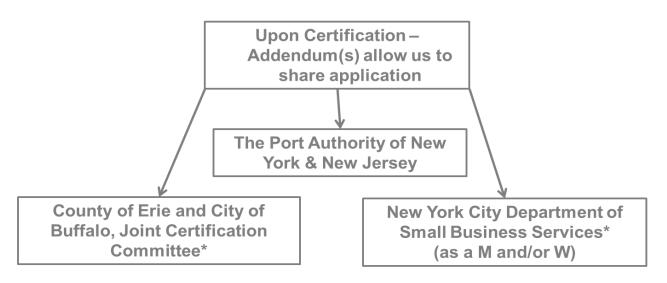
Note: It may take some time for the New York State Contract System to update the current application.

Addendums: "One Stop" Certification Application



Addendums "One-Stop" Certification Application

"One-Stop" Certification Application (only available to New Applicants)



*Note: Participating certification program have geographic restrictions.



FAST TRACK Applications

- ✓ New York State based firms certified by:
 - County of Erie and City of Buffalo, Joint Certification Committee
 - New York City Department of Small Business Services
 - The Port Authority of New York & New Jersey
 - New York & New Jersey Minority Supplier Development Council, Inc.
 - Women President's Educational Organization (Women's Business Enterprise National Council – NY Chapter)
- Certified as a Disadvantaged Business Entity (DBE) with any Federally funded transportation agency in the U.S.
- ✓ Certified as Federal 8(a) Disadvantaged Business with U.S. Small Business Administration

The above certifications must be current and have more than three (3) remaining months before expiration to be eligible for a FAST TRACK Application.



FAST TRACK Applications – Documentation

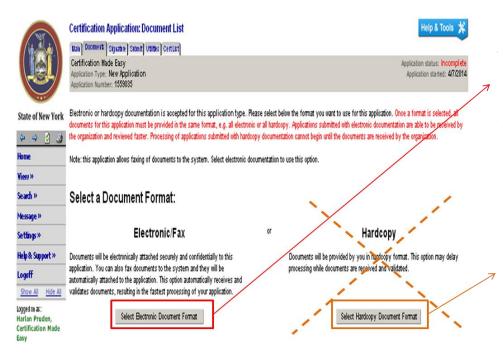
NYS MWBE Fast Track Application	Disadvantaged Business Enterprise (DBE)	Federal 8(a) Business Development Program
Copy of application submitted to Fast Track partner;	All documents (except PNW information) listed under 'NYS MWBE Fast Track' application plus:	All documents (except PNW information) listed under 'NYS MWBE Fast Track' application plus:
Copy of the Certification Letter from the Fast Track partner	Signed New York State DBE Certified Release of Information Form	Certificate of Authority to Do Business in NYS from the NYS Department of State (with the exception of Sole Proprietorships and General Partnerships)
Signed and notarized DMWBD Certification Application Affidavit, found in the DMWBD application	Certificate of Authority to Do Business in NYS from the NYS Department of State (with the exception of Sole Proprietorships and General Partnerships)	
Personal Net Worth (PNW) Affidavits (Attachment A, all applicants, and B, if necessary), found in the DMWBD application		

The above certifications must be current and have more than three (3) remaining months before expiration to be eligible for a FAST TRACK Application.



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Supporting Documents- Electronic or Paper

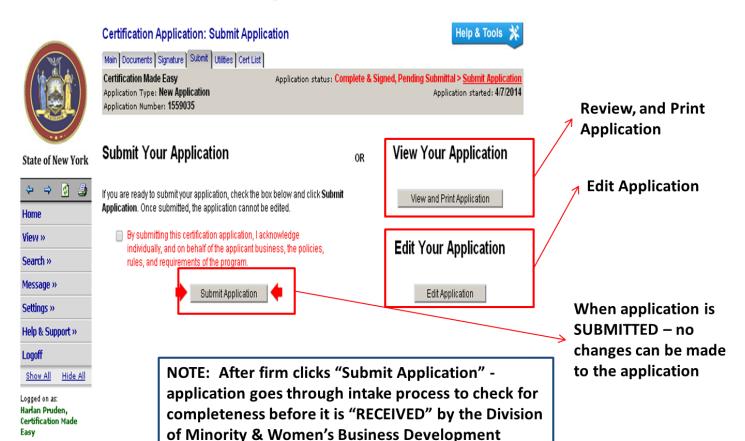


Submitting Electronic documents will result in a <u>FASTER</u> processing of application

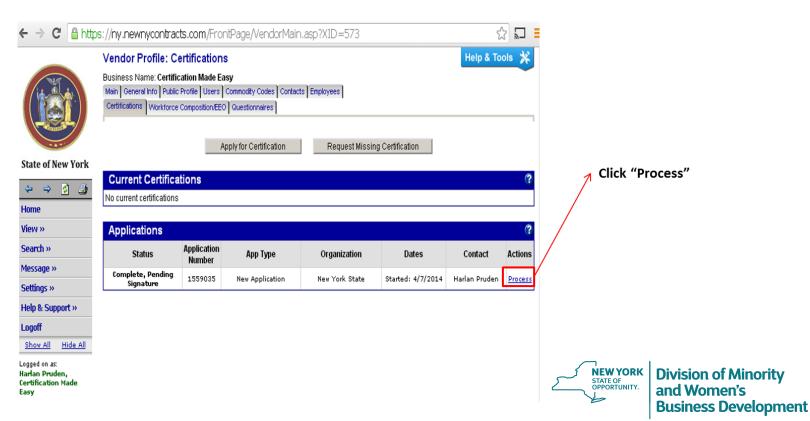
Mailed hardcopy documents/faxed documents will result in <u>SLOWER</u> processing of applications



Submitting your Application

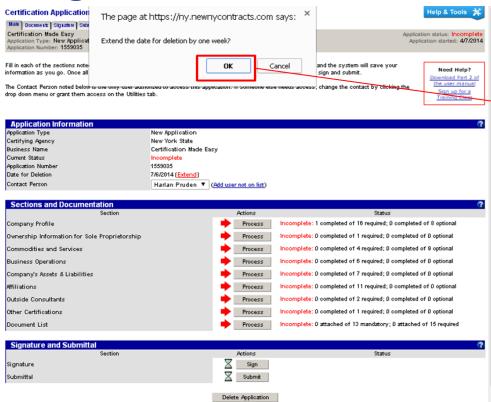


Viewing the Status of an Application



Extending The Deadline





button if more than 90 days are needed to complete the application process.

Please note that clicking

'Extend' is not indefinite and

can be done a

maximum of 12 times.

Kindly contact

MWBECertification@esd.ny.gov

or call (212)803-2414 if more
time is needed.



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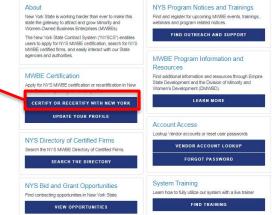


Updating Vendor Profiles (Your Public Profile)

NYS MWBE Certification: Updating your Vendor Profile



Click on "Certify or Recertify with New York"



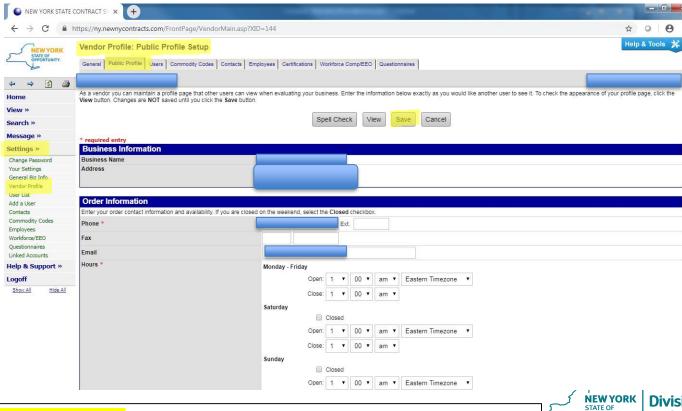


NYS MWBE Certification: Updating your Vendor Profile





Updating your Vendor Profile – Public Profile



Friendly reminder: Click on 'Save' at the top of the page once complete!

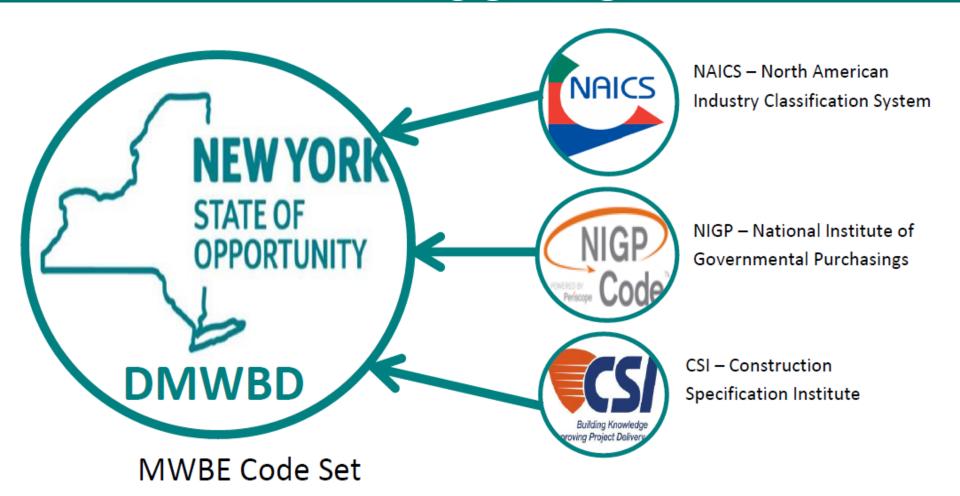
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OPPORTUNITY.



Commodity Codes & Profile updates

MWBE CODE SET



DMWBD CODE ASSIGNMENTS

- I. Product & Service codes: Certified firms may receive a combination of codes from 1 to 3 different product code sets that apply to their specific output.
 - NIGP for product and/or services
 - CSI for building construction
 - NYS DOT for heavy and civil engineering construction
- II. Industry code: Certified firms will receive relevant NAICS industry codes that apply



INDUSTRY vs PRODUCT codes

NAICS -- NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM

NAICS = INDUSTRY CODE





NYS MWBE Certification: Profile Updates



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Profile Updates – Commodity Codes

Helpful Tips for MWBEs:

- Actual vs. Aspirational' (e.g., Firms must provide proof of doing the work by way of contractual agreements, for instance, as well as proof of payment for the work that's been done).
- ➤ Be proactive (e.g. Ensure that you respond to document requests in 20 business days OR LESS; Check your spam or junk folders)
- ➤ You can always review your certification profile for the status of your application (e.g. Q&A tab & other)
- ➤ If you haven't heard an update in 60 90 business days, please call our MWBE Certification Help Desk (contact info is on the last slide).



Little Known Facts About Certification

- Waiver of One Year in Business eligibility requirement:
 - Decided on a case by case basis & must be requested in writing
 - To obtain the waiver, please contact MWBECertification@esd.ny.gov or call (212)803-2414.
- Expedite Form: Firms with a pending NYS contract as a prime contractor or subcontractor may have the state agency request an expedited review of their application. (Only NYS agencies and authorities can submit the Expedite Form.)
 - Regarding any questions about the Expedite Form, please contact: <u>MWBECertification@esd.ny.gov</u> or call (212)803-2414.



Common Documentation Shortfalls

- Personal Net Worth Statement (even if negative)
- ✓ Licenses, if required to conduct business
- ✓ Current signed lease/deed
 - Home based businesses are not exempt from this requirement.
 - Suppliers need to provide proof of warehouse location and an inventory list.

- Contracts to indicate industry standard codes
 - North American Industry of Classification System (NAICS)
 - National Institute of Governmental Purchasing (NIGP)
- Business vehicle registrations





Recertification Applications

Recertification Applications

Helpful Tips for MWBEs:

- ➤ Know that you must submit your Recertification application **EVERY 3 years** with New York State;
- Submission of Recertification applications can begin 3 months PRIOR TO your Renewal Date;
- ➤ You will REMAIN certified and listed in our NYS Directory of Certified Firms during the recertification application review process;
- > You can always check your certification profile for the status of your application;
- ➤ If you haven't heard an update in 60 90 business days, please call our MWBE Certification Help Desk (contact info is on the last slide).



Mandatory & Required Documents – Recertification Applications (as of April 2019)

Mandatory Documents	Required Documents
Recertification Application Notarization, provided by our Division	Copies of all licenses, permits, certifications, and/or accreditations utilized by firm to conduct business, including those held by individual
Personal and Business Taxes: Complete copies of the most recent year of personal and business taxes.	Copy of DBA Registration if company has added or changed name since last certification date
Personal Net Worth Affidavit, Attachment A for each minority or woman upon which certification is based	Out of State firms, provide one (1) of the following: a) Invoices and proof of payment for goods and services provided in NYS, b) NYS payroll records, or c) proof of payment for NYS Taxes or authority to do business in NYS
	Add Commodities Supplier Codes (e.g., lines of credit and shipping agreements with third party shipping companies, all vehicle registrations, largest signed contracts and/or agreements in the last 2 years, etc.)
	Add Services (e.g., copies of invoices showing payments received, copies of licenses or permits, most recently signed contracts and/or agreements with a description of scope of services, etc.)
	Additional documents not listed above (e.g., office lease agreement, etc.)

Note: It may take some time for the New York State Contract System to update the current application.⁴⁵



One-on-One NYS MWBE Certification Application Technical Assistance

Business Development Resources – Additional Assistance

- Entrepreneurial Assistance Centers (EAP) provide in-depth assistance to entrepreneurs and startup businesses. For information and listing of centers www.esd.ny.gov/BusinessPrograms/EAP.html
- ✓ Small Business Development Centers (SBDC) offer free consulting to individuals hoping to grow or start a small business. For a listing of centers:
 www.nyssbdc.org/locations.html
- ✓ **Procurement Technical Assistance Centers (PTAC)** assist local businesses to compete successfully in the government marketplace. To find a local center www.aptac-us.org/find-a-ptac/?state=NY Division of Minority

Contact us

For Certification Inquiries:

212-803-2414

MWBEcertification@esd.ny.gov

(Monday thru Friday, 9:00AM – 5:00PM EST)

Division of Minority and Women's Business Development

www.esd.ny.gov/MWBE.html

