To Prospective Bidders:

Consistent with the Fund’s commitment and in accordance with Article 15-A of the New York State Executive Law, contractors are required to ensure that good faith efforts are made to include meaningful participation by Minority and Women-Owned Businesses in the Fund’s construction program. The requirements apply to all Fund contracts in excess of $100,000. The intent of the program is to encourage and assist in developing business relationships between prime contractors and MWBE subcontractors and suppliers. Contractors must be diligent and creative in order to develop a plan that complies with the program.

**Receipt of the MWBE utilization plan is required within seven (7) calendar days after the bid opening.**

For many projects, it is necessary to include the cooperation of principal subcontractors for a meaningful utilization plan. In the selection of principal subcontractors, the prime contractor should consider subcontractors who demonstrate efforts to assist with program requirements. Although responsibility for program compliance is with the prime contractor, the Contract Documents require that all subcontractors also comply with the contract provisions. **An inability to meet goals when subcontractor cooperation is not present does not excuse the prime contractor from the responsibility.**

This matter is of special consequence because of the Fund’s contract requirement that principal subcontractors also be nominated within 48 hours of the bid opening. Consequently, we recommend that the prime contractor evaluate the level of MWBE participation and the good faith efforts to be provided by their principal subcontractors.

**Firms must be certified by New York State as a Minority or Women-Owned Business to comply with program requirements.** Certified firms are included in a Directory of Certified Minority and Women-Owned Business Enterprises. This Directory is provided on the Internet and the address is: [http://nylovesmwbe.ny.gov/cf/search/cfm](http://nylovesmwbe.ny.gov/cf/search/cfm). You may contact the Fund’s Minority/Women’s Business Enterprise Coordinator at (518) 320-1673 or lois.mclaughlin@suny.edu for assistance concerning the directory.

Following are suggestions for good faith efforts which will be helpful for contractors both during and after the bidding period. These suggestions compliment Article VI, Affirmative Action of the Contract Documents which further outlines good faith efforts. In order for good faith efforts to be effective, contractors should begin plan development during pre-bid.

**Contractors utilizing MWBEs for supplies/materials/equipment whose NYS certification profile designates them as ‘Broker’ will receive 25% of the value of the purchase.**

The Fund’s MWBE Plan Form (UP-1) shall be submitted by the three apparent low bidders. The firms proposed are businesses the bidder seriously expects to include in the project activity. **The Fund’s goals are 8% MBE and 4% WBE or 10% and 4% for projects located in the New York City & Long Island Regions** (Optometry, HSC @ Brooklyn, Stony Brook, HSC @ Stony Brook, Farmingdale and Old Westbury). See Article VI, Section 6.06, (1) for specifics regarding goal distribution. A letter of explanation and documentation of efforts should accompany a MWBE Utilization Plan that falls short of the stated goals. **Without an approved MWBE Utilization Plan, the Fund’s Notice of Award and Construction Contract may be withheld.**
STATE UNIVERSITY CONSTRUCTION FUND
Suggestions for Good Faith Efforts

1. Pre-Bid advertisements should be placed in publications geographically located within a reasonable distance to the project.

2. Contractors should use up-to-date resources for identifying MWBEs. A Directory of Certified Minority and Women-Owned Business Enterprises is located on the Internet at http://nylovesmwbe.ny.gov/cf/search.cfm or contact the Fund’s Minority/Women’s Business Enterprise Coordinator at (518) 320-1673 for assistance concerning the directory.

3. Direct and specific outreach and solicitation to MWBEs tends to be one of the more successful efforts. This effort can open lines of communication with otherwise unfamiliar contractors.

4. Efforts should be made to make plans available to MWBEs as access to plans and specifications is sometimes difficult for MWBE contractors who do not have membership in associations with plan rooms.

5. Major trade subcontractors should be included in plan development. Goal attainment is most successful when there is cooperation from major subcontractors to provide opportunities for MWBEs on portions of work they intend to subcontract or for the purchase of materials and equipment.

6. For major projects, the division of work may be too large for small subcontractors to handle. Contractors should be creative by providing, where practical, opportunities for smaller portions of work.

7. Contractors should recognize the difficulty some MWBEs may experience in obtaining bonding. Contractors may be supportive by giving consideration to waiving or modifying bonding requirements through the scope of work.

8. All contractors are aware of the need for prompt payments. Contractors are required to remit payment to subcontractors after receiving payment from the Fund. Even so, this may present a hardship for MWBEs regular progress payments, assistance with supplier credit and other creative financing methods may be beneficial.

We hope these suggestions are helpful in optimizing the potential benefits from your efforts. Please be sure to maintain records of efforts during plan development. Such documentation may be required to support plan approval before contract award. If there are any questions or if you need assistance, please contact the Fund’s MWBE Coordinator, at (518) 320-1673 or lois.mclaughlin@suny.edu.
In accordance with the Fund's Contract Documents and Executive Law Article 15-A, my firm proposes to use the NYS certified MBE/WBE certified firms listed above.

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<th>Subconsultant/Subcontractor Supplier Name</th>
<th>Federal ID No.</th>
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<th>Description of Work or Supplies</th>
<th>Dollar Value of Contract or Purchase Order</th>
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Company Officer’s Signature ___________________________ Date __________

(Print Name) ___________________________ Title ___________________________

Approved: ______________________________________ MWBE Program Coordinator

Goals: Upstate: MBE 8% and WBE 4%

Goals: NYC / LI: MBE 10% and WBE 4% (See instructions on Pg MWBE-4)
STATE UNIVERSITY CONSTRUCTION FUND
MWBE UTILIZATION PLAN INSTRUCTIONS

1. Contractors are required to submit a Utilization Plan to the State University Construction Fund within Seven (7) days after the opening of bids for construction contracts exceeding $100,000.

2. By submission of this Utilization Plan, the contractor commits to the values included in the plan for participation by Minority and Women-owned businesses.

3. The State University Construction Fund will review the Utilization Plan and notify the contractor of any deficiencies contained in the plan.

4. The State University Construction Fund reserves the right to require the contractor to provide documentation of the efforts made by a contractor to develop this plan.

5. The State University Construction Fund reserves the right to require the contractor to submit periodic compliance reports relating to the operation and implementing of this Utilization Plan.

6. MBE and WBE firms must be certified by the New York State Department of Economic Development, Division of Minority and Women’s Business Development. A directory of certified minority and women-owned business enterprises is available on the internet at http://nylovesmwbe.ny.gov/cf/search.cfm

7. A copy of the Utilization Plan will be returned to you after review.

8. Goals for Upstate Campuses are: 8% MBE  4% WBE
   Goals for NYC and Long Island Campuses are: 10% MBE  4% WBE

SUBMIT TO

Ms. Peggy McSorley
Office of Pre-Construction Services - Design
State University Construction Fund
353 Broadway
Albany, NY 12246

Email: peggy.mcsorley@suny.edu