



Guide to the New York State Education Department's  
Minority- and Women-Owned Business Enterprise  
(M/WBE) Program's Grant Review Process

**New York State Education  
Department**

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# Governor Cuomo Signs S6575/A8414 to Renew and Expand Nation-Leading Law Requiring Participation of Minority and Women Owned Business Enterprises in State Contracts

MWBE

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## Expansion of New York State's M/WBE Program Until 2024

The MWBE program, designed to make New York's economy more inclusive by requiring MWBE participation in State contracts, was due to expire at the end of 2019. The reauthorization extends the program until **2024** and amends the law to make it easier for more MWBEs to participate and to give all participating businesses greater benefits. The new terms include:

- Extending the term of MWBE certification from 3 years to 5 years;
- Increasing agency and authority discretionary purchasing threshold from \$200,000 to \$500,000 without a formal competitive process;
- Increasing the Personal Net Worth cap from \$3.5 million to \$15 million to make more businesses eligible;
- Authorizing the Division of MWBE to organize outreach events, training and educational opportunities for MWBE firms across the state; and
- Establishing a Workforce Diversity Program that requires State agencies overseeing construction projects to utilize a diverse workforce; among additional new terms.

# The Approval Process: What Does the M/WBE Unit Assess?

- **Does the M/WBE package include all of the required paperwork?**
  - FS-10
  - M/WBE Cover Letter
  - Goal Calculation Worksheet
  - Utilization Plan (M/WBE 100)
  - Notice(s) of Intent to Participate (M/WBE 102)
  - Equal Employment Opportunity Staffing Plan (EEO 100)
  - 
  - Contractor's Good Faith Efforts (M/WBE 105)
  - Evidence of Good Faith Efforts
  - Request for Waiver (M/WBE 101)
- **Does the Goal Calculation Worksheet align with the FS-10?**
- **Is the arithmetic correct?**
- **Are there signatures where required?**
- **Are the vendors NYS M/WBE certified?**
- **Does the Utilization Plan align with the Notice(s) of Intent?**





# M/WBE Compliance Checklist (updated)

- It's a quick guide that ensures your Program Office is submitting a completed package
- Please note that we've updated this document and added "Evidence of Good Faith Efforts" as a line item
- We've also removed "original signatures required," since we accept scanned signatures for M/WBE documents

## M/WBE Compliance Checklist

M/WBE Documents Package			
<input type="checkbox"/> Full Participation <input type="checkbox"/> Request Partial Waiver <input type="checkbox"/> Request Total Waiver			
	Required Documents		
Documentation	Full Participation	Request Partial Waiver	Request Total Waiver
M/WBE Goal Calculation Worksheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100: Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102: Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 105: Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
Evidence of Good Faith Efforts (please refer to the M/WBE 105 form to distinguish what constitutes as "evidence of good faith efforts")	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101: Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EE0 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Requesting a Waiver M/WBE 105: Good Faith Efforts

**M/WBE CONTRACTOR GOOD FAITH EFFORTS CERTIFICATION (FORM 105)**

PROJECT/CONTRACT # \_\_\_\_\_

I, \_\_\_\_\_  
(Bidder/Applicant)

\_\_\_\_\_ of \_\_\_\_\_  
(Title) (Company)

\_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)

do hereby submit the following as evidence of our good faith efforts to retain certified minority- and women-owned business enterprises:

(1) Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;

(2) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;

(3) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;

(4) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;

(5) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;

(6) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.

(7) Describe any other action undertaken by the bidder to document its good faith efforts to retain certified minority- and women-owned business enterprises for this procurement.

Submit additional pages as needed.

\_\_\_\_\_  
Authorized Representative Signature

\_\_\_\_\_  
Date

M/WBE 105

- **When requesting a waiver, the grantee must sign and complete an “M/WBE Contractor Good Faith Efforts Certification” form**
- **In addition to the M/WBE Contractor’s Good Faith Efforts Certification form, grantees must also submit “evidence of good faith efforts”**
  - If a grantee seeks a waiver, and only signs the Contractor’s Good Faith Efforts form without providing evidence of good faith efforts, the package cannot be approved
- **An approved waiver request does not automatically transfer to future grant years. Waiver requests are reviewed on an annual basis and updated “evidence of good faith efforts” must be submitted each year a grantee is seeking a waiver.**

PROJECT/CONTRACT # \_\_\_\_\_  
 I, \_\_\_\_\_  
 (Bidder/Applicant)  
 \_\_\_\_\_ of \_\_\_\_\_  
 (Title) (Company)  
 \_\_\_\_\_ (Address) (Telephone Number)

do hereby submit the following as evidence of our good faith efforts to retain certified minority- and women-owned business enterprises:

- (1) Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;
- (2) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;
- (3) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;
- (4) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;
- (5) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;
- (6) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises;
- (7) Describe any other action undertaken by the bidder to document its good faith efforts to retain certified minority- and women-owned business enterprises for this procurement.

Submit additional pages as needed.

\_\_\_\_\_  
 Authorized Representative Signature

# Requesting a Waiver/Good Faith Efforts (cont'd.) M/WBE 105A: Contractor Unavailable

- **Common examples of evidence of good faith efforts include:**
  - Email *exchange* with vendor (not solely the initial outreach)
  - School's purchasing policy and a memo on official letterhead explaining how this policy impacts M/WBE utilization
  - RFP along with a memo on official letterhead that explains the lack of M/WBE applicants
  - "M/WBE Contractor Unavailable Certification" form (M/WBE 105A), along with email exchanges

## M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

RFP#/PROJECT NAME \_\_\_\_\_

I, \_\_\_\_\_  
 (Authorized Representative) (Title) (Bidder/Applicant's Company)  
 \_\_\_\_\_ (Address) (Phone)

I certify that the following New York State Certified Minority/Women Business Enterprises were contacted to obtain a quote for work to be performed on the abovementioned project/contract.

List of date, name of M/WBE firm, telephone/e-mail address of M/WBEs contacted, type of work requested, estimated budgeted amount for each quote requested.

DATE	M/WBE NAME	PHONE/EMAIL	TYPE OF WORK	ESTIMATED BUDGET	REASON
1.					
2.					
3.					
4.					
5.					

To the best of my knowledge and belief, said New York State Certified Minority/Women Business Enterprise contractor(s) was/were not selected, unavailable for work on this project, or unable to provide a quote for the following reasons: *Please check appropriate reasons given by each MBE/WBE firm contacted above.*

- A. Did not have the capability to perform the work
- B. Contract too small
- C. Remote location
- D. Received solicitation notices too late
- E. Did not want to work with this contractor
- F. Other (give reason) \_\_\_\_\_

\_\_\_\_\_  
 Authorized Representative Signature Date Print Name

# Requesting a Waiver

## M/WBE 101: Request for Waiver (Updated)

### REQUEST FOR WAIVER FORM

BIDDER/APPLICANT:  
NAME: ADDRESS:  
CITY, STATE, ZIPCODE:

TELEPHONE:  
EMAIL:  
FEDERAL ID NO.:  
RFP NO./PROJECT NO.:

INSTRUCTIONS: By submitting this form and the required information, the bidder/applicant certifies that Good Faith Efforts have been taken to promote M/WBE participation pursuant to the M/WBE goals set forth under this RFP/Contract. Please see Page 2 for additional requirements and document submission instructions.

#### BIDDER/APPLICANT IS REQUESTING (check all that apply):

<input type="checkbox"/> MBE Waiver - A waiver of the MBE goal for this procurement is requested. <input type="checkbox"/> Total <input checked="" type="checkbox"/> Partial <b>9.9%</b> %	<input type="checkbox"/> WBE Waiver - A waiver of the WBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____ %
---	--

PREPARED BY (Signature): \_\_\_\_\_ DATE: \_\_\_\_\_

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER/APPLICANT'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, § NYCRR PART 143, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

NAME OF PREPARER:	FOR AUTHORIZED USE ONLY
TITLE OF PREPARER:	REVIEWED BY: _____
TELEPHONE:	DATE: _____
EMAIL:	WAIVER GRANTED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> TOTAL WAIVER <input type="checkbox"/> PARTIAL WAIVER <input type="checkbox"/> CONDITIONAL WAIVER <input type="checkbox"/> NOTICE OF DEFICIENCY
	COMMENTS:

M/WBE 101

When requesting a waiver, a "Request for Waiver" form also needs to be submitted. Please note that the waiver percentage is out of 30%.

#### Example:

Discretionary = \$60,000

M/WBE Goal Percentage = 30%

M/WBE Goal Amount = \$18,000

Actual M/WBE Utilization = \$12,000

$\$12,000$  (M/WBE Utilization)  $\div$   $\$18,000$  (M/WBE Goal Amount) = 0.67

$0.67 \times 30$  (M/WBE Goal Percentage) = 20.1 (M/WBE Utilization Percentage)

30% (M/WBE Goal Percentage) - 20.1% (M/WBE Utilization Percentage)

= **9.9% Waiver Request**

# M/WBE 102: Notice of Intent to Participate (Updated)

## M/WBE SUBCONTRACTORS AND SUPPLIERS NOTICE OF INTENT TO PARTICIPATE

INSTRUCTIONS: Part A of this form must be completed and signed by the Bidder/Applicant unless requesting a total waiver. Parts B & C of this form must be completed by MBE and/or WBE subcontractors/suppliers. The Bidder/Applicant must submit a separate M/WBE Notice of Intent to Participate form for each MBE or WBE as part of the proposal/application.

Bidder/Applicant Name: \_\_\_\_\_ Federal ID No.: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ E-mail: \_\_\_\_\_

Signature of Authorized Representative of Bidder/Applicant's Firm \_\_\_\_\_  
Print or Type Name and Title of Authorized Representative of Bidder/Applicant's Firm

Date: \_\_\_\_\_

### PART B - THE UNDERSIGNED INTENDS TO PROVIDE SERVICES OR SUPPLIES IN CONNECTION WITH THE ABOVE PROCUREMENT/APPLICATION:

Name of M/WBE: \_\_\_\_\_ Federal ID No.: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_ E-mail: \_\_\_\_\_

### BRIEF DESCRIPTION OF SERVICES OR SUPPLIES TO BE PERFORMED BY MBE OR WBE:

\_\_\_\_\_

DESIGNATION:  MBE Subcontractor  WBE Subcontractor  MBE Supplier  WBE Supplier

### PART C - CERTIFICATION STATUS:

The undersigned is a certified M/WBE by the New York State Division of Minority and Women-Owned Business Development (MWBD).

THE UNDERSIGNED IS PREPARED TO PROVIDE SERVICES OR SUPPLIES AS DESCRIBED ABOVE AND WILL ENTER INTO A FORMAL AGREEMENT WITH THE BIDDER/APPLICANT CONDITIONED UPON THE BIDDER/APPLICANT'S EXECUTION OF A CONTRACT WITH THE NYS EDUCATION DEPARTMENT.

The estimated dollar amount of the agreement \$ \_\_\_\_\_ Signature of Authorized Representative of M/WBE Firm \_\_\_\_\_

Date \_\_\_\_\_ Printed or Typed Name and Title of Authorized Representative \_\_\_\_\_

M/WBE 102

- The M/WBE Unit only accepts M/WBE certification from currently certified New York State firms
- We do not accept certification from:
  - New York City
  - New Jersey
  - Port Authority
  - Or any other entity outside of New York State
- We do not accept firms that have applied and/or are seeking certification – these firms will not count towards the M/WBE goal
  - On average, the NYS M/WBE certification takes two years to process. Due to the length of time it takes to become certified and the uncertainty of the outcome, we only accept firms currently certified by Empire State Development



# Amendments (FS-10-A)

Agency Name and Address




County

Agency Code:

--	--	--	--	--	--	--	--	--	--

Project #:

--	--	--	--	--	--	--	--	--	--

Amendment #

--

Contract #:

--	--	--	--	--	--	--	--	--	--

Contact Person:

E-Mail Address:

Tel #:

FS-10-A Page 2

INSTR

- Submit the original and two copies directly to the same... NOT submit this form to Grants Finance.
- Enter whole dollar amounts only.
- This form need only be submitted for budget changes that require approval of the...
  - Personnel positions, number and type
  - Equipment items having a unit value of \$5,000 or more
  - Minor remodeling
  - Any increase in a budget subtotal (professional or administrative) of \$1,000, whichever is greater
  - Any increase in the total budget amount.
- Amendment # at top of this page must be completed.
- Do not use the FS-10-A for requesting a project extension.

CHIEF ADMINISTRATOR

By signing this report, I certify to the best of my knowledge and the expenditures, disbursements, and cash receipts and conditions of the Federal (or State) award. I am aware that omission of any material fact, may subject me to criminal penalties for fraud, false statements, false claims, or otherwise. (U.S. Code Title 18, Sections 101 and 102)

DATE: SIGNATURE:

FOR DEPARTMENT USE ONLY

Program Approval:

Finance:

Log

DESCRIPTION	EXPLANATION <small>(Provide same detail as required in FS-10 Budget)</small>	SUBTOTAL INCREASE	SUBTOTAL DECREASE
15	Professional Salaries		
16	Support Staff Salaries		
40	Purchased Services		
45	Supplies & Materials		
46	Travel Expenses		
80	Employee Benefits		
90	Indirect Cost		
49	BOCES Services		
30	Minor Remodeling		
20	Equipment		
Total Increase or Decrease		(+) \$	(-) \$
Net Increase or Decrease			\$
Previous Budget Total			\$
Proposed Amended Total			\$

- Submit an amendment to your Program Office for M/WBE review when there are changes to the M/WBE goal amount
- All amendments require the following:
  - An updated Goal Calculation Worksheet
    - Aligns with the "Proposed Amended Total," not "Net Increase or Decrease"
  - An updated and cohesive Utilization Plan
    - For instance, if a grantee is adding an M/WBE firm, they shouldn't submit a Utilization Plan with only the additional vendor. Instead, they need to submit a Utilization Plan listing all vendors being utilized during the grant year.
  - Notice of Intent – for any M/WBE vendors that are added to the Utilization Plan

# New York State M/WBE Directory

- By visiting the *New York State Contract System* (<https://ny.newnycontracts.com/>), and selecting “SEARCH THE DIRECTORY,” grantees can search for New York State certified M/WBE vendors that align with their needs.
- The *New York State M/WBE Directory* is also a great way for grantees to confirm a vendor is NYS M/WBE certified. Simply “Search by Business Name,” and if the vendor is certified, they will appear in the search results.
  - Grantees can also email: [MWBEcertification@esd.ny.gov](mailto:MWBEcertification@esd.ny.gov) to confirm a vendor’s certification status

**NYS M/WBE Directory**

Search the NYS M/WBE Directory of Certified Firms by entering search terms and clicking **Search**. You must select at least one certification type.

New York State utilizes industry standard product and service codes for construction, professional services and commodities to better facilitate the sourcing of firms. For more information [click here](#).

**Search by Certification Type**

Certifications  Minority Business Enterprise (MBE)  Women Business Enterprise (WBE)

**Search by Business Name or DBA**

Business Name/DBA  Tip: Try just a few letters of the firm's name.

**Search by Business Description**

Business Description  Tip: Try just a few letters of a keyword.

**Search by Commodity Code**

Commodity Codes

**Search by Contact Person**

Contact Person/Owner First name  Last name   
Tip: Use the first letter. Tip: Try just the first few letters.

**Search by Contact Person**

Contact Person/Owner First name  Last name   
Tip: Use the first letter. Tip: Try just the first few letters.

**Search by Location**

City

Zip Code  Tip: Search for multiple zip codes by separating with commas.

State

Phone Area Code

**Search by Work Districts/Regions**

Work Districts/Regions Selection of any combination below will find firms that have at least one assigned work district/region match.

**Search by Reference**

Industry

Business Size

General Location

Location

# New York State M/WBE Directory: Search Tools

- **Grantees can search for M/WBE vendors by:**
  - Certification: Minority Business Enterprise or Women Business Enterprise
  - Business Name/DBA
  - Business Description (it's best to use a keyword)
  - Commodity Codes
    - NAICS (North American Industry Classification System)
    - NIGP (National Institute of Governmental Purchasing)
      - Commodity codes can also be searched by using a keyword(s)
  - Contact Person
  - Location
  - Work Districts/Regions

**If a grantee is experiencing a difficult time identifying M/WBE vendors, they can always email [MWBEgrants@nysed.gov](mailto:MWBEgrants@nysed.gov), and we will pull vendor lists for them based on their needs.**

**NYS M/WBE Directory**

Search the NYS M/WBE Directory of Certified Firms by entering search terms and clicking **Search**. You must select at least one certification type.

New York State utilizes industry standard product and service codes for construction, professional services and commodities to better facilitate the sourcing of firms. For more information [click here](#).

**Search by Certification Type**

Certifications  Minority Business Enterprise (MBE)  Women Business Enterprise (WBE)

**Search by Business Name or DBA**

Business Name/DBA  Tip: Try just a few letters of the firm's name.

**Search by Business Description**

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Commodity Codes

**Search by Contact Person**

Contact Person/Owner First name  Last name   
Tip: Use the first letter. Tip: Try just the first few letters.

**Search by Contact Person**

Contact Person/Owner First name  Last name   
Tip: Use the first letter. Tip: Try just the first few letters.

**Search by Location**

City

Zip Code  Tip: Search for multiple zip codes by separating with commas.

State

Phone Area Code

**Search by Work Districts/Regions**

Work Districts/Regions Selection of any combination below will find firms that have at least one assigned work district/region match.

**Search by Reference**

Industry

Business Size

General Location

Location

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# FAQs

Frequently Asked Questions



## **General Housekeeping**

### **How do I print this guide?**

File → Print → Print Settings → Pure Black and White

### **What is the difference between [MWBEgrants@nysed.gov](mailto:MWBEgrants@nysed.gov) and [MWBE@nysed.gov](mailto:MWBE@nysed.gov)?**

[MWBEgrants@nysed.gov](mailto:MWBEgrants@nysed.gov) is a general mailbox that is open to the public and program offices. Program offices, and grantees alike, can send general inquiries to this email address. Moreover, grantees submit their quarterly compliance reports to this email address.

[MWBE@nysed.gov](mailto:MWBE@nysed.gov) is for procurements and is open to the public.

## **M/WBE Vendors**

### **What are examples of services provided by M/WBE vendors?**

There are over 8,000 M/WBE vendors that provide an array of services. If a grantee is having a difficult time identifying vendors to meet their M/WBE goal, please refer them directly to [MWBEgrants@nysed.gov](mailto:MWBEgrants@nysed.gov). Below are only a *few* examples of services provided by M/WBEs:

- Accountants and bookkeepers
- Books (from children's to college-level to teacher resources)
- Catering and food service
- Childcare
- Computers/tablets/hardware/software
- College access programs
- Custodial services
- Diversity consultants
- Education consultants (from Universal Pre-K to STEM to teacher effectiveness/curriculum development)
- English Language Learners programs
- Furniture
- Hygienic products
- IT consultants
- Medical supplies
- Office, school, and art supplies
- Playground developers
- Printing
- Professional development services
- Promotional items (or personalized items)
- Snacks (and breakroom supplies)
- STEM supplies
- Travel (includes travel agencies and chartering vehicles)
- Tutors (online and in-person)

## **M/WBE Vendors**

### **What if the vendor is undergoing the certification process? Will their utilization apply to the M/WBE goal?**

Due to the length of time it takes to become certified and the uncertainty of the outcome, we only accept firms that are currently certified by Empire State Development. Thus, their utilization will not apply to the M/WBE goal.

### **If a vendor is New York City certified, does that mean they are New York State certified too?**

No, New York City certification is not the same as New York State certification. We do not accept New York City certification (or M/WBE certifications from other entities). We only accept New York State certification.

Governor Cuomo's office is working on creating a shared portal, so that vendors seeking certification will be able to apply for multiple certifications at once.

## **Notices of Intent**

### **For every year of the grant term, a grantee is utilizing the same vendor. Do they need to submit a Notice of Intent with an original signature from that vendor, every year?**

No, once a grantee submits a Notice of Intent during the grant term, with an original signature, they illustrate to us that they've established a relationship with the M/WBE vendor. Thereafter, when submitting an M/WBE package, the grantee can submit a historical Notice of Intent, along with an updated Utilization Plan.

## **Partial Waivers**

### **When a grantee receives a partial waiver, does it automatically apply to future years of the grant term?**

No, a partial waiver approval is only issued for the grant year that it is requested and approved for.

### **Why doesn't a waiver extend into future years of the grant?**

The reason a partial waiver does not extend into future years of the grant is because the M/WBE database is constantly updated. While a vendor may not be available to meet the needs of a grantee one year, there is a chance that a vendor is available during future years of the grant.

## **Amendments**

### **When is an amendment required?**

Submit an amendment to your program office for M/WBE review when there are changes to the M/WBE goal amount.

### **What needs to be submitted along with an amendment?**

An amendment always requires an FS-10-A, updated Goal Calculation Worksheet, updated and cohesive Utilization Plan, and Notices of Intent if the grantee is adding new vendors.

If an amendment has a net increase or decrease, we require an amendment package for the "Proposed Amended Total," not the "Net Increase or Decrease."

## **Good Faith Efforts**

### **Is it sufficient to send a memo as evidence of Good Faith Efforts?**

It is only sufficient to send a memo as “evidence of good faith efforts” when describing a policy, such as a school’s transportation policy. It is not sufficient to submit a memo as evidence of good faith efforts if there are areas of opportunity and the grantee is stating, “we were unable to locate an M/WBE for abc” or “we contacted XYZ M/WBE vendor, but they never responded.” For both of these examples, grantees must show evidence that they contacted vendors (e.g. email exchange).

Furthermore, Article 15A is a legal requirement for all New York State contracts; therefore, all grantees must adhere to the requirements of the law. If an M/WBE vendor is significantly more expensive than a non-M/WBE vendor, the M/WBE Unit must see evidence of good faith efforts, such as a price comparison between the M/WBE vendor and the non-M/WBE vendor, to process a waiver. It is not sufficient to simply state “M/WBE prices are too high,” without providing any evidence that the grantee contacted M/WBE vendors.