

COUNTY OF ORANGE MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE POLICY

The County of Orange ("County") encourages participation by Minority/Women-Owned Business Enterprises ("MWBEs") in all aspects of the procurement process. New York State Certification for MWBEs is granted and verified through the Empire State Development Division of Minority and Women's Business Development ("DMWBD").

Contract and other funding requirements of the State of New York and the United States Government may contain MWBE participation goals. Also, County requests for bids to be awarded on a best value basis pursuant to New York State General Municipal Law §103(1) and State Finance Law §163 may include a quantitative MWBE requirement.

To achieve MWBE participation goals set by state or federal funding requirements or a best value procurement by the County, the County shall, and shall cause its contractors to (and contractors shall cause their subcontractors to), take the following good faith actions:

1. Actively and affirmatively solicit bids for contracts and subcontracts from qualified New York State certified MWBEs, including solicitations to MWBE contractor associations.
2. Search the DMWBD directory for a list of NYS-certified MWBEs providing goods and/or services, as applicable to the solicitation and solicit bids or proposals from them directly.
3. Ensure that plans, specifications, request for proposals and other documents used to secure bids/proposals shall be made available in sufficient time for review by prospective MWBEs.
4. Where feasible, divide the work into smaller portions to enhance participation by MWBEs and encourage the formation of joint ventures and other partnerships among MWBE contractors to enhance their participation.
5. Document and maintain records of bid/proposal solicitation, including those to MWBEs and the results thereof. Contractor(s) shall also maintain or, where appropriate, require their subcontractors to maintain and submit, records of actions that its subcontractors have taken toward meeting MWBE contract participation goals.
6. Ensure that progress payments to MWBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements may, in the sole discretion of the County or the New York State or federal funding agency, as applicable, be waived and/or appropriate alternatives developed to encourage MWBE participation.

To ensure the above goals are met, the following procedures apply to the solicitation of contracts by the County and its contractors:

1. For contracts with MWBE requirements, the County department that will be responsible for administering the contract, with the assistance of DGS, as necessary, shall perform a search in the DMWBD MWBE Directory (available at <http://www.empire.state.ny.us/MWBE.html>) to generate a contact list of potential MWBEs that may be interested in the solicitation. The results of the search

listing potential MWBE participants shall be forwarded to DGS with all solicitation and bid materials by the department.

2. A notice of solicitation and/or the Request for Bids/Proposals/Quotes/Etc. should be sent to the parties on the contact list via email or, if email is not available for any potential interested MWBE in the DMWBD listing, via U.S. Mail by DGS personnel.
3. Each department must ensure, as applicable to the funding source for each solicitation, that the solicitation documents contain all MWBE-related requirements such as policy statements, work plans, utilization plans, report templates, requests for waivers, etc.
4. It is important that due diligence in the pursuit of these goals is documented in the Procurement Record. Documentation of items (a) – (d) listed below shall be created and maintained in the Procurement Record by the Department issuing the solicitation (e.g. by DGS for a Request for Proposals issued by DGS and by Department X for a Request for Quote issued by Department X) and the department administering the contract shall maintain documentation of items (d) and (e) in the Procurement Record. Note, records pertaining to items (d) and (e) may be generated during solicitation and/or during the administration of the contract. Any department generating such files should place them in their Procurement Record even if it ends up in the department and DGS files. :
 - a. Notices of solicitation with proof of when it was sent and to whom;
 - b. Solicitation responses;
 - c. Records of any negotiations with MWBEs;
 - d. All policy statements, work plans, utilization plans, report templates, requests for waivers, etc. completed by the County and/or contractors and/or subcontractors as applicable to the solicitation and contract or regulatory requirements; and
 - e. Documentation of all MWBE reporting required of the County by the funding agency (in the case of a grant agreement or grant-funded contract), including all reports submitted by contractors and/or subcontractors, as applicable.

All forms prepared for submission requiring County Executive signature shall be reviewed by any, or all, of the following departments, at their and/or the County Executive's discretion, prior to submission for signature: Grants Unit, MWBE Liaison and Law Department.

For additional information, please do not hesitate to contact Julie Richmond, the County MWBE Liaison for assistance.