



Policy Committee

September 23, 2021
2:00 pm
Special Working Group Meeting
MWBE Policy Discussion
Meeting Via Zoom

1. Call Meeting to Order
2. Review and Discussion of Draft Policy Document
 - a. Construction Period
 - i. Best Efforts Procedure
 1. Review and Discuss
 - ii. Resourcing
 1. Contractors and Vendors Listings
 2. Local Resources & Community Partners
 - iii. Monitoring and Compliance
 1. Certified Payrolls
 2. Site Visits
 3. Cost and Staffing
 - b. Post Construction Period
 - i. Qualifying Activities Discussion
 1. Job Creation and Job Retention
 2. Required Number of Tracts
 3. Community Organization Tract
 - ii. Monitoring and Compliance
 1. Tract Metrics and Measurables
 2. Compliance Cost & Staffing
3. Next Meeting/Adjournment

Summary of ECIDA MWBE, Diversity and Inclusion Incentive Policy Concepts

Construction and Post Construction Period

Construction Period Outstanding Policy Issue

- MBE/WBE % utilization goal for construction based on contract value/ NYS uses 30% total between MBE and WBE. For ECIDA professional service procurements we presently use 25% MBE, 5% WBE.

Proposed Structure for a two-tiered program

Construction Period

- To receive the Enhanced MWBE PILOT schedule an applicant would need to meet the utilization construction goal % as defined in the policy of 30%, 25% MBE and 5% WBE.

Once an applicant meets the goal for construction, they would then need to participate in the Post-Construction Period program to qualify for the Enhanced MWBE PILOT.

If an applicant is unable to meet the Construction Period goal but has demonstrated best efforts as defined by the ECIDA Best Efforts Procedure to the satisfaction of the Agency, an applicant would be deemed to have met the Construction Period goal and would then need to participate and meet the goals of the Post-Construction Period program to qualify for the Enhanced MWBE PILOT.

Post Construction Period

- Applicants can select and comply with the job creation goal of 30% of the new jobs to be created to be women and minorities (minimum of 15% minority and at least 30% minorities or women)

If an applicant pledges and meets that goal within the job creation period, typically 2 years and maintains the goal identified new hires during the term of the PILOT they would qualify for the Enhanced MWBE PILOT.

If an applicant does not choose the job creation goal tract, they may qualify for the Enhanced MWBE PILOT by choosing (2-4?) of the following tracts.

- Job Retention Tract – Applicants must demonstrate that their existing workforce consists of at least 30% women and minorities (minimum of 15% minority and at least 30% minorities or women) and must maintain above percentage for the term of the PILOT.

- Procurement Tract – Applicants to set and meet procurement goals for operations including supplies, equipment and or professional services of 10% of applicant’s operational contract purchases which are within their local control for the term of the PILOT.
- Diversity & Inclusion Tract– Applicants to create a Diversity & Inclusion policy for their organization with identified goals and objective metrics and report on implementation annually for the term of the PILOT.
- Annual Training Tract – Applicants management and or key staff to participate in annual training or specified Diversity and Inclusion activities designed to advance D&I company initiatives for the term of the PILOT.
- Mentorship Tract – Applicants to develop and or participate in mentorship program(s) designed to support WMBE businesses or mentor WMBE candidates for leadership positions within their organizations or in their occupational fields for the term of the PILOT.
- Community Organization Tract – Applicants to demonstrate financial or personnel commitment to supporting Community Organizations that provide resources for WMBE business formation, business operational support or mentorship. Or organizations that provide Diversity and Inclusion activities in the community for the term of the PILOT.

DRAFT

MWBE BEST EFFORTS PROCEDURE



General Definition

Applicants for ECIDA Enhanced MWBE PILOT if unable to meet the required Construction Period utilization goal may still be eligible if they demonstrate and document best efforts made to provide meaningful participation by Certified MWBE contractors, sub-contractors, suppliers, vendors or professional service providers in the development and construction of their project.

- In order to be considered under the MWBE Best Efforts Procedure an applicant must have met a minimum of 50% of the MBE/WBE goal requirement of 25% MBE and 5% WBE.

MWBE BEST EFFORTS PROCEDURE



Typical Best Effort Provisions

Applicants to:

- Advertise opportunities to participate in the project in appropriate general circulation, trade and minority and women-oriented publications.
- Participate in any meetings with MWBE firms or groups to encourage participation in the project>(*ECIDA and partners to develop a contact list of appropriate groups and or resources).
- Provide a listing of written solicitations made to MWBE firms inviting their participation, utilizing the Erie County and City of Buffalo MBE / WBE Resource List, and/or the New York State certified list within the ECIDA Local Labor Area(Erie County, Niagara County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County).

MWBE BEST EFFORTS PROCEDURE



Typical Best Effort Provisions

Applicants to:

- Provide copies of any responses received from MWBE solicitations and documentation of any negotiations.
- Identify components of the project that could be contracted or sub-contracted to MWBE firms.
- Document any specialty work for which there are no qualified MWBE firms in the Local Labor Area.
- Provide copies of responses received from any MWBE firms.
- Negotiate in good faith with MWBE firms submitting bids, proposals or quotations.
- Provide written statement outlining the Best Efforts undertaken or any other factors relevant to documenting Best Efforts for the project.