

MWBE Certification Checklist: Preparing to Begin the NYS MWBE Certification Application



Division of Minority
and Women's
Business Development

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

New York State Executive Law Article 15-A §§ 310-317 ("Article 15-A") governs requirements for the participation of minority and women-owned business enterprises ("MWBEs") in New York State contracting. The objective of Article 15-A is to promote equality of economic opportunities for MWBEs by eliminating barriers to their participation in New York State contracting.

DMWBD's mission is to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting. DMWBD supports New York State's leaders with information and resources that increase access to opportunities for minority and women-owned business enterprises throughout the State.

About the NYS MWBE Certification Application

The Division of Minority and Women's Business Development (DMWBD) is tasked with reviewing applications by firms seeking certification as a Minority or Women-owned Business Enterprise (MWBE). DMWBD verifies that each firm is owned, operated, and controlled by a minority and/or woman owner. The application process and the documents requested to complete the application are necessary for this verification.

The information below includes recommendations and checklists for NYS MWBE Certification applicants. However, this list is not all encompassing of the needs and requirements to complete the application and analysis. Additional information can be found on the MWBE website: esd.ny.gov/MWBE.html

Document Checklist for all Applicants

The Checklist below includes some of the documents applicants need during the MWBE application process. Gathering these documents prior to beginning the application will speed up completing the process. The documents are used to verify all MWBE certification eligibility requirements, including ownership, operations, control, independence, and personal net worth (PNW), among others. All documents needed are listed within the MWBE application.

Documents required from all applicants include but are not limited to:

- **Proof of Citizenship and Gender:** Birth records; U.S. Passports; Military Records; Green Cards.
- **Proof of Business Activity:** Current contracts and bids for clients and work in the NYS market area.
- **Business Documents:** Including NYS-45 Forms and W-3 Forms; loans and credit agreements, leases; supply agreements.
- **Personal and Business Taxes:** Complete copies of the most recent year of personal and business taxes.
- **Professional Background:** Owner's Resumes(s), professional licensure, permits, certifications.

MWBE Definitions

Important definitions to know during and after the application process includes:

1. **Mandatory Documents:** These are documents that all applicants must submit on their MWBE certification applications.
2. **Required Documents:** These are documents that apply to specific businesses or applicants. If it pertains to your business, then these must be included in the MWBE certification application.
3. **Fast Track Application:** 'Short Form' NYS MWBE Certification applications for firms currently certified as a Disadvantaged Business Enterprise (DBE), as an MBE, WBE, or MWBE by a Fast Track partner, or a firm currently part of the Federal 8(a) program.
4. **"One Stop Addendum Application:** Application for new applicants with no other partner certifications.

Document Checklist for Sole Proprietors, Partnerships, Limited Liability Corporations (LLCs), and Corporations

In addition to the documents all applicants must submit, including the documents listed above, there are supplemental documents needed for specific business types. These include, but are not limited to:

Sole-Proprietorships

- Assumed Name Certificate from the County Clerk
- Most recent year of business taxes

Partnerships and LLCs

- Assumed Name Certificate from the County Clerk
- Operating/Partnership Agreement
- IRS Form 1065 with the Schedule K-1 Tax Form

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

Tips When beginning a NYS MWBE Certification Application

1. Take advantage of local technical assistance providers for one-on-one assistance:
 - Entrepreneurial Assistance Program Centers: <https://esd.ny.gov/businessprograms/eap.html>
 - Small Business Development Centers: <http://nyssbdc.org/>
 - Procurement Technical Assistance Centers: <http://www.aptac-us.org/>
2. Attend MWBE outreach events, including the **NYS MWBE Forum, NYS MWBE Regional Expos, and NYS MWBE Boot Camp Sessions**. Periodically visit esd.ny.gov/mwbe.html for additional information.
3. Collect as much information and documents prior to beginning the MWBE Certification application. Keep in mind that additional information may be required.

Document Checklist for “Fast Track” Applicants

DMWBD offers an accelerated NYS MWBE application for firms certified by a Fast Track Partner Agency. Visit esd.ny.gov/MWBE.html for additional information on this option.

All firms that qualify for a Fast Track application Must submit the following:

- Copy of application submitted to the Fast Track Partner.
- Copy of the certification letter or certificate from the Fast Track Partner.
- Signed and notarized DMWBD Certification Application Affidavit, found in the DMWBD application.
- Personal Net Work Affidavits (Attachments A, all applicants, and B, if necessary), found in the DMWBD application.

In addition to the documents above, firms using DBE or Federal 8(a) Program “Fast Track” Application option must also provide the following documents when submitting a MWBE application to NYS:

Disadvantaged Business Enterprise (DBE) Firms:

- Signed New York State DBE Certified Release of Information Form.
- Certificate of Authority to do Business in NYS from the NYS Department of State (if applicable).

Federal 8(a) Business Development Program Firms:

- Copy of letter showing the firm is currently part of the 8(a) Program.
- Certificate of Authority to do Business in NYS from the NYS Department of State (if applicable).

**HAVE
QUESTIONS?**

MWBE Hotline: (212) 803-2414 Email: MWBEcertification@esd.ny.gov
Website: esd.ny.gov/MWBE.html

A Division of Empire State Development