

MWBE Certification Frequently Asked Questions



Division of Minority
and Women's
Business Development

Certification eligibility criteria:

Under Article 15-A of the Executive Law, any for-profit firm that is at least 51% owned, operated and controlled by U.S. citizens or permanent resident aliens who are either a minority and/or woman is eligible for certification.

Minority groups eligible for certification:

- Black persons having origins from any of the Black African racial groups
- Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central American or South American descent of either Native American or Latin American origin, regardless of race
- Native American or Alaskan Native persons having origins in any of the original peoples of North America
- Asian and Pacific Islander persons having origins in any of the Far East countries, Southeast Asia, the Indian Subcontinent or the Pacific Islands

MWBE applicants must successfully demonstrate the following:

- **Ownership, Operation and Control:** Firm must be independently owned, operated and controlled by minority and/or women members. The ownership must be real, substantial and continuing, and owner(s) must exercise the authority to control and independently operate the day-to-day business decisions.
- **Personal Net Worth (PNW) Restriction:** Each minority or woman owner seeking certification cannot have a personal net worth exceeding \$15 million after allowable deductions¹.
- **Small Business Restriction:** Firm cannot exceed 300+ full time employees.
- **Independent, Active and In Business One Year:** Firm must operate independently of other firms, demonstrate business activity and be in operation for at least one year.
- **Out of State Applicants:** Firm should be certified as an MWBE in their home state, if a similar program exists, be registered and authorized to conduct business in New York State and have a presence in New York State.

Should you experience or become aware of fraud or other misconduct related to a New York State contract and the MWBE program, please report such conduct to the Division of Minority and Women's Business Development ("Division") directly via a confidential and anonymous online reporting form available at: <http://esd.ny.gov/MWBE/Data/FraudReportingForm030215.pdf> or by calling the MWBE Division Hotline at (855) 373-4692 OR (855) ESD-4MWB.

How to apply for certification?

Apply online using the New York State Contract System (NYSCS): ny.newnycontracts.com

Firms can use NYSCS to submit:

- New Certification Applications
 - Fast Track applications*- a NYS MWBE application for firms certified by a Fast Track Partner. Firms already certified through one of the partners may submit a NYS MWBE application through the Fast Track Partners Program.
 - "One-Stop" certification - once NYS MWBE certified, the firm's application is forwarded for MWBE certification review with the Joint Certification Committee of Erie County and City of Buffalo*, New York City Small Business Services*, and/or Port Authority of New York/New Jersey (optional)
- Re-Certification Applications – every 5 years
- Certification and Vendor Profile Updates

What are the benefits of certification?

- Become eligible for MWBE procurement and contracting opportunities with NYS Agencies and Authorities.
- Utilize lending and bonding programs created exclusively for State certified MWBEs.
- Become listed on the NYS MWBE Directory of Certified Firms.
- Receive customized alerts for upcoming procurement opportunities by registering with the NYS Contract Reporter.
- Gain access to a statewide network of services and support for MWBEs including invitations for business development workshops.

¹ The personal net worth of each individual upon which certification is relied upon cannot exceed \$15 million, as adjusted annually for inflation according to the consumer price index to reflect the current buying power of \$15 million on January 13, 2020. To determine the current net worth threshold, applicants should refer to the consumer price index maintained by the United States Department of Labor, Bureau of Labor Statistics. https://www.bls.gov/data/inflation_calculator.htm

• NOTE: Participating certification program may have geographic restrictions.

HAVE QUESTIONS?

MWBE Hotline: (212) 803-2414

Email: MWBECertification@esd.ny.gov

esd.ny.gov/doing-business-ny/mwbe