



## Instructions for Submitting the MWBE Utilization Plan for Commodities and Services (Form MWBE 100)

1. Where required in the Solicitation and/or Contract, submit the completed Plan to the address below:

Office of Business Diversity  
29th Floor, Corning Tower  
The Governor Nelson A. Rockefeller  
Empire State Plaza  
Albany, NY 12242  
Phone: 518-486-9284  
Fax: 518-486-9285

Failure to submit the Plan or obtain a waiver could result in non-award of the Contract.

- **The Plan must contain a detailed description of the supplies and/or services to be provided by each MWBE subcontractor/supplier/reseller.**
  - **Complete all items on the form with the exception of the sections marked “For OGS OBD Use Only.”**
  - **List New York State certified MBE/WBE firms only.** Only MBE/WBE firms certified by Empire State Development’s Division of Minority and Women’s Business Development can be used to meet MWBE Goals. Non-certified firms, or firms that are pending certification, cannot be used toward goal attainment until they are NYS certified.
  - **All listed subcontractors/suppliers/reseller will be contacted and verified by OGS.**
  - Bidders/Contractors may attach additional sheets if necessary.
2. To identify New York State certified MWBEs, access Empire State Development’s MWBE directory at: <https://ny.newnycontracts.com/?TN=ny> For additional information regarding this directory, please call The Empire State Development Corporation at (212) 803-2414 (Downstate) or (518) 292-5250 (Upstate). Additionally, you may contact the OGS OBD designated contacts at (518) 486-9284 which will, upon request, provide you with a listing of certified MBE/WBE firms.
  3. Pursuant to 5 NYCRR § 142.8, Contractors must document their good faith efforts toward utilizing MWBEs on the Contract. Actions that do not constitute good faith efforts by Contractors to solicit NYS Certified MWBEs to participate in the Contract include, but are not limited to, the following:
    - (1) Self-performance of tasks on a project.
    - (2) Not engaging an MWBE because it did not submit the lowest quote for work or materials.
  4. OGS will review the submitted Plan and advise Bidder/Contractor of OGS’s acceptance or deficiency within twenty (20) days of its receipt. Bidder/Contractor shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to OGS a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OGS to be inadequate, OGS shall notify Bidder/Contractor and direct Bidder/Contractor to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals on Form BDC 333.1. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal. The approved Plan will be posted on the OGS website within ten (10) days of Contract Award.
  5. Any modifications or changes to the agreed participation by New York State Certified MWBEs after the Contract Award and during the Term of the Contract, must be reported on a revised MWBE Utilization Plan and submitted to OGS for approval.