



**NEW YORK STATE
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES**

**GRANT APPLICANT'S MINORITY & WOMEN'S BUSINESS
ENTERPRISE AND EQUAL EMPLOYMENT OPPORTUNITY
REQUIREMENTS**

Grant Applicant Name:

County:

Grant Name:

*****Pursuant to New York State Executive Law Article 15-A, New York State Division of Homeland Security and Emergency Services recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of New York State Division of Homeland Security and Emergency Services contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that New York State Division of Homeland Security and Emergency Services establishes goals for maximum feasible participation of New York State Certified minority and women-owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

The Applicant (defined above) will comply with the provisions of the Minority & Women's Business Enterprise and Equal Employment Opportunity (MWBE-EEO) requirements of Article 15-A of the New York State Executive Law and all other requirements as prescribed by the New York State Division of Homeland Security and Emergency Services (NYS DHSES) by providing opportunities for MBE/WBE participation, and will maintain such records and take such actions necessary to demonstrate such compliance throughout the life of this i tcpv

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

I hereby certify that the _____ will abide by the equal employment opportunity (EEO) policy statement provisions outlined below.

- (i) A statement that the applicant will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, or marital status against any employee or applicant for employment, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination and will make and document its conscientious and active efforts to ensure all sub-contractors employ and utilize minority group members and women in its work force on contracts related to this i tcpv0
- (ii) An agreement that all of the applicant’s solicitations or advertisements for vendors will state that, in the performance of the contracts relating to this i tcpv, all qualified vendors will be afforded equal opportunities without discrimination on the basis of race, creed, color, national origin, sex, age, disability or marital status.
- (iii) An agreement to request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor’s obligations herein.

All applicants shall, as a precondition to entering into a valid and binding contract relating to this grant, agree to the provisions set forth in (i), (ii), and (iii).

Successful applicants will be required to complete and submit a NYS DHSES Local Assistance MWBE Subcontractor/Supplier Utilization form prior to contract. Successful applicants will also be required to complete and submit a NYS DHSES Local Assistance MWBE Equal Opportunity Staffing Plan for the applicant as well as all sub-contractors paid with funds from this i tcpv.

Applicant further understands and agrees that failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract. In accordance with 5 NYCRR §142.13, Applicant acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and NYS DHSES may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

Applicants’ Designated Minority & Women’s Business Enterprise Officer (MBO)

The applicant’s designated Minority & Women’s Business Enterprise Officer is responsible for administering the Applicant’s MWBE-EEO program.

Applicant’s Designated MBO Name: _____

Applicant’s MBO Phone No.: _____

Applicant’s MBO Email Address: _____

Applicant’s MBO Mailing Address: _____

NYS Public Safety Answering Point Grant Program MBE/WBE Services and Commodities Goals:

The WBE Participation Goal is 10%
The MBE Participation Goal is 10%

I hereby certify that the _____ will abide by the Minority and Women’s Business Enterprise requirements as outlined in this document.

Signature of Authorized Grant Applicant: _____

Print Name: _____ **Date:** _____