

State of New York  
2016 M/WBE Disparity Study Request For Information (“RFI”)  
Responses to Questions

**1) What financial system(s) do the ninety-five (95) reporting agencies and authorities use?**

The New York State (the “State” or “NYS”) agencies to be included in the 2016 Disparity Study (the “Study”) currently use the Statewide Financial System (“SFS”), which is a State initiative that replaced the over twenty-five (25) year old Central Accounting System and several agency financial management systems with one integrated, statewide system. The new enterprise resource planning system went live in April 2012. More information on SFS is available here: <http://www.sfs.ny.gov/>. The reporting authorities to be included in the Study use a variety of other systems.

**2) Are there any United States Department of Transportation (“USDOT”) recipients included in the ninety-five (95) reporting agencies and authorities?**

Yes, but their federal expenditures made pursuant to USDOT contracts will not be a part of the 2016 Disparity Study, which will examine NYS state contract expenditures exclusively.

**3) Why is the State of New York conducting a disparity study so close to the publication of the previous study in 2010?**

New York State Executive Law Section 312-a provides for a statewide disparity study to be delivered to the Governor and Legislature no later than February 15, 2016.

**4) In “4.1” how do we respond if we generally do not partner, but could partner on projects, if appropriate?**

As a note to your response to the partnership questions in Section “4.1,” you may include a further explanation in an attachment. Based on the services you anticipate to be required in order to conduct a disparity study for New York, please include the requested information on any anticipated partners.

**5) In “1(4)” you have asked us to provide our assessment of appropriate methodologies. Since methodologies are not one big package, but made up of numerous tasks, each with their own methodology this would require a very lengthy response. In addition, methodologies are determined by case law in the jurisdiction where the study takes place, so responding to this**

**specifically for New York would require at least a cursory legal review. In light of all of this, how was it intended that this would be responded to?**

Ultimately, this question is meant to elicit responses that identify prevailing methodologies that constitute best practices in the New York context. If a cursory review of legal requirements in New York is required to provide a complete response, please include that analysis within your response. To the extent respondents believe certain methodologies exist, including those that may not necessarily be grounded in New York State case law, please include those types of responses as well.

**6) In “I(6)” please clarify what is meant by “Be specific as to the various stages” Also, with regard to this, if you are requesting a time table, please provide some indication as to the number of awards made by each of the departments annually.**

This question is meant to elicit responses that reflect the organization and progression of a disparity study from start to completion. Ideally, respondents will make reference to their past experiences conducting disparity studies. It is anticipated that the bulk of the State-provided data will be available to the selected Consultant at the start of the contract. The contracts included in the 2016 Disparity Study will be limited to those as defined in NYS Executive Law Article 15-A. The number of awards made by departments is currently not available for release.

**7) Why is this referred to as the 2016 Disparity Study. Is it anticipated that this would be a three year study?**

The Study is being referred to as the “2016 Disparity Study” because 2016 is the year when this study must be published and delivered to the Governor and Legislature. The anticipated study period, which has not been finalized, is from approximately April 1, 2008 and will include up to six (6) years of data.

**8) Please list both the 39 agencies from the previous study and the 95 agencies to be studied.**

Please review 2010 Disparity Study – Immediate prior Disparity Study. A list of the entities subject to Executive Law Article 15-a begins on page 443.

**9) What will be the focus of the NYS 2016 Disparity Study? Will it be an updated version of the 2010 study?**

The focus of the 2016 Disparity Study is identified in the Section 1 of the RFI. The 2016 Disparity Study is not necessarily an updated version of the 2010 Disparity Study because it is

examining new data from a different time period and has an expanded scope as outlined in the RFI.

**10) Will there be a requirement for providing viable recommendations with trackable timelines for NYS' consideration for deficiencies found and to assure future disparity study results show change and progression?**

The 2016 Disparity Study will include policy recommendations based on an evaluation of the efficacy of current M/WBE program.

**11) Will part of the new study include actual on-site visits to NYS Certified DMWBE's as well as the NYS Contractors who hire them to review and verify the information currently being reported to NYS?**

It is not anticipated that the selected Consultant will be required to perform site visits to NYS Certified M/WBEs and/or NYS Contractors. The selected Consultant may be required to visit the State for meetings with State staff, informational sessions or presentations.

**12) Will this report include any consideration for M/WBE utilization within NYS at local government levels below the State contract level? (Which may be the starting point for most M/WBE's.)**

No.

**13) One of the issues I have experienced is in documentation and a "Master Checklist" or M/WBE requirements among state agencies. Will the disparity study be allowed to present consolidation of services and processes among NYS agencies to promote across the board reporting compliance requirements regardless of the state agency you are working with or will the focus of the study be specifically to address disparity?**

The main purpose of the Study is to examine whether there is a disparity between those M/WBEs, minority group members and women that are ready willing and able to participate on State contracts versus those M/WBEs, minority group members and women that are actually participating on state contracts. However, to the extent the Consultant can identify policies and/or practices that would enhance the effectiveness of M/WBE and Workforce Diversity program initiatives, such recommendations would be welcomed.

**14) Will the study review comparative certifications within NYS ESD? Will the disparity study allow recognition of a mentor program possibility? For example, the most difficult task for a**

**startup M/WBE's is landing the first job. Would the state consider allowing and/or promoting non-M/WBE's to give the unknown M/WBE their first foot in the door, and where needed, training and advice?**

The State welcomes the identification of any and all relevant policies, practices and/or programs that would enhance the State's ability to reduce or eliminate any disparities that might exist in State contracting.

**15) I am aware grant funds have been made available to provide M/WBE training programs such as M/WBE Contractor Readiness Training, however, I have not been able to ascertain their consistency and /or availability across the State.**

The State has several technical training and assistance initiatives that are either directly targeted toward M/WBEs or that have significant M/WBE participation across the State. NYS loan programs also serve M/WBEs in large numbers. Please see M/WBE Resource Center on the NYS Division of Minority and Women's Business Development's website located at:

<http://www.nyfirst.ny.gov/ResourceCenter/MWBEMenu.html> for available programs and resources.

**16) Our firm has conducted over eighty (80) disparity studies, given the time involved in compiling the information requested in Appendix A, Part I, Question 3 a) and b), would it be acceptable to only include the most recent and relevant disparity studies?**

Each respondent, at its discretion, may limit its response to Question 3 "a" and "b" to those studies that most closely aligned to the New York State study in relevance, size and complexity in order to best demonstrate the firm's past experience.