

Moynihan Station Project Phase 1



Program Plan for
Disadvantaged-, Minority- and Women-owned
Business Enterprises

Acknowledgements

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COMMITMENT TO DISADVANTAGED, MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

The Moynihan Station Development Corporation (MSDC) receives federal financial assistance from the United States Department of Transportation (USDOT). As a recipient of federal funds through the American Recovery and Reinvestment Act of 2009 Transportation Investments Generating Economic Recovery (TIGER) Discretionary Grant Program, MSDC agrees to comply with Section 2(k) of the TIGER grant agreement and assist USDOT in meeting disadvantaged business enterprise (DBE) goals by implementing the following plan for disadvantaged-, minority- and women-owned business enterprises.

POLICY STATEMENT

It is the policy of the State of New York, and MSDC, to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status.

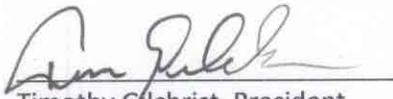
Article 15-A of the New York State Executive Law was signed into law on July 19, 1988. Under this statute, State Agencies are charged with establishing employment and business participation goals for minorities and women. These laws were enacted to promote equality of economic opportunity for minority group members and women and to eradicate barriers that have unreasonably impeded access by M/WBEs to State contracting activities.

MSDC will work with Contracting Parties to ensure that Minority Group Members and women, as defined by Article 15-A of the New York State Executive Law, §§ 310 share in the economic opportunities generated by the use of MSDC funds.

MSDC will also endeavor to ensure that Disadvantaged Business Enterprises (DBE's), as defined in USDOT 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts.

Consistent with this policy, MSDC strives:

1. To ensure nondiscrimination in the award and administration of USDOT – assisted contracts;
2. To promote employment and “fair share” business opportunities on MSDC contracts for disadvantaged businesses, minorities and women;
3. To provide resources and opportunities for disadvantaged businesses, minorities and women to improve their business position in conducting business with New York State;
4. To increase the development and utilization of qualified business firms owned by disadvantaged persons, minority group members and women through such means as contracting, subcontracting, and commodity procurement;
5. To advance public policy that enhances and facilitates greater transparency, accountability and support of diversity, while promoting the highest standard of professional and ethical conduct;
6. To create awareness of MSDC's Disadvantaged-, Minority- and Women-owned Business Enterprise Program and share Agency best practices;
7. To perform outreach at conferences, trade shows, and other forums that increase understanding of MSDC procurement opportunities, and to cultivate relationships with disadvantaged businesses and minority- and women-owned firms.



Timothy Gilchrist, President
MSDC

6-3-11
Date

DISSEMINATION OF POLICY STATEMENT

MSDC has disseminated this policy statement to the Board of Directors of MSDC and all of the components of its organization. MSDC has distributed this statement to DBE, M/WBE and non-DBE, non-M/WBE business communities.

MSDC has posted this policy on its website.

MSDC has distributed this policy to the relevant contractor trade associations in New York State.

PROGRAM ADMINISTRATION

LIAISON OFFICER

Michael Evans has been delegated as the Liaison Officer for the MSDC D/M/WBE program. In that capacity, Michael Evans is responsible for implementing all aspects of the D/M/WBE program.

Implementation of the D/M/WBE program is accorded the same priority as compliance with all other legal obligations incurred by the MSDC in its financial assistance agreements with the US Department of Transportation.

OVERALL GOALS

MSDC will set M/WBE participation goals following New York State law. Selected contractors will be encouraged to use their best efforts to achieve a Minority Business Enterprise participation goal of 15% and a Women Business Enterprise participation goal of 5% of the total dollar value of work performed pursuant to contracts or purchase orders entered into in connection with the construction work related to the Project and an overall goal of 25% Minorities and Female workforce participation during construction.

MSDC will also encourage DBE participation and will include firms certified under the federal DBE program in reporting to FRA and USDOT.

D/M/WBE CERTIFICATION

Vendors who are disadvantaged-, minority- or woman-owned business enterprises (D/M/WBE) are urged to become DBE and/or MBE/WBE certified.

The New York State Unified Certification Program (NYSUCP) provides for "one-stop" DBE certification. DBE certification can be obtained through the MTA Office of Civil Rights (OCR) or through the New York State Department of Transportation, the Port Authority of New York and New Jersey or the Niagara Frontier Transportation Authority, all Certifying Partners in NYSUCP.

Empire State Development, Division of Minority and Women Business Development, administers the Minority and Women-Owned Business Enterprise (M/WBE) state certification program. Vendors wishing to apply for MBE or WBE state certification must complete the New York State Certification Application, which is available on the Empire State Development website:

<http://nylovesmwbe.ny.gov/Certification/Overview/Application.htm>

D/M/WBE OUTREACH

MSDC will do outreach to D/B/MWBE firms at tradeshows, conferences, through the New York General Contractors Association, and through New York State M/WBE officers at Empire State Development Corporation, the Port Authority of New York and New Jersey, the Metropolitan Transportation Authority and the New York State Department of Transportation.

In addition, MSDC will constitute a D/M/WBE Committee comprised of local D/M/WBE representatives to review MSDC contracts and identify opportunities for D/M/WBE participation.

RECORD KEEPING & REPORTING

MSDC will report D/M/WBE participation to the Federal Railroad Administration. MSDC will provide this information on a quarterly basis. MSDC will distinguish between firms certified as DBEs under federal regulations and those certified as M/WBEs under New York State law.

Bidders for MSDC contracts will be asked to denote the subconsultants that they propose to use in achieving D/M/WBE participation.

Selected contractors will be required to sign a minority and women-owned business enterprise and equal employment opportunity policy statement (see Attachment A).

Selected contractors will report on the workforce actually utilized on the project, itemized by ethnic background, gender, and Federal Occupational Categories, and shall update such schedule quarterly.

Selected contractors shall also be required to report such data describing: a) the total number of company employees at commencement of the project, b) the total number of company employees at the completion of the project and c) any net increases in the number of employees in the company. Net increases in employment shall be further classified by ethnicity, gender and occupation code.