

TESTIMONY
BY
COMMISSIONER GREGG BISHOP
NEW YORK CITY
DEPARTMENT OF SMALL BUSINESS SERVICES
BEFORE
THE COMMITTEE ON CONTRACTS
OF THE
NEW YORK CITY COUNCIL
WEDNESDAY, NOVEMBER 29, 2017

Good afternoon Chair Rosenthal and members of the Committee on Contracts.

My name is Gregg Bishop and I am the Commissioner of the Department of Small Businesses Services ("SBS"). At SBS, we aim to unlock economic potential and create economic security for all New Yorkers by connecting them to quality jobs, building stronger businesses, and fostering vibrant neighborhoods across the five boroughs.

Today, I am pleased to testify on the services SBS offers for underrepresented businesses in procurement.

Small businesses are essential to providing opportunities for individuals to strengthen their own economic security as well as provide jobs for members of their communities. They are the engine of our economy and make up the character of our vibrant neighborhoods. At SBS, we help New York City's 230,000 small businesses start, operate, and grow. It is critical for SBS to provide services that are inclusive of all communities and ensure everyone has access to economic opportunity. This is particularly important for businesses contracting with the City because a diverse pool of vendors allows the City to procure the best goods and services. SBS plays a key role in the City's Minority and Women-owned Business Enterprise ("M/WBE") program, with a goal of ensuring that the City's procurement reflects the diversity of our business owners. Like all other businesses, M/WBEs participate in a competitive bidding process to ensure the City is choosing the strongest vendor. In order to establish the program, the City had to conduct a disparity study to show the disparity between the availability of firms owned by minorities and women in a market area and the utilization of those firms by an agency. The most recent disparity study will be finalized by the end of the year and will be published early next year.

SBS offers a number of services to assist underrepresented businesses that are ready to make the City their customer. Cash flow is often an issue for companies working on City projects, particularly for smaller and underrepresented businesses, so the Administration recently launched the **Contract Financing Loan Fund**. This revolving fund offers low-interest loans of up to \$500,000 capped at a 3% interest. The fund was designed to assist small, M/WBE, and other underrepresented business owners working on City contracts, who often need funding to begin contract work. To date, we have made nineteen awards valuing over \$3.5 million, which have given these businesses the capacity to effectively and confidently complete City contracts. We have also announced the creation of a \$10 million **Bond Collateral Assistance Fund** which we expect to launch early next year. Similar to the Contract Financing Loan Fund, this fund will support small businesses, M/WBEs, and other underrepresented businesses facing obstacles accessing surety bonds on City contracts. The program allows businesses to apply for surety bonds (collateral assistance) of up to \$500,000 or 50% of the contract amount, whichever is lesser.

In addition to the funds, SBS also works to educate underrepresented businesses who are interested in selling to the government. The **SBS Procurement Technical Assistance Program (PTAC)** provides one-on-one technical assistance and training services to all small business owners who are interested in government contracting opportunities at the city, state and federal levels. The PTAC team offers workshops on topics ranging from how to sell to government to successfully responding to Request for Proposals (RFPs). Currently, SBS PTAC's program has over 5,000

registered clients. By educating and building capacity, these programs are essential for underrepresented businesses to be successful in City contracting.

Through our **Introduction to Government Contracting** course, we provide a general overview of how the government buys goods and services. We not only guide them through the process of procuring with the City but also provide guidance on what products the City generally purchases. For businesses that are interested in working with the federal government, we offer **Doing Business with the General Services Administration (GSA)**. With trillions of dollars spent annually by the federal government, this course offers an introduction to GSA Schedules and requirements. We also teach businesses how to use GSA's System for Award Management which is required for federal contracting. A critical aspect of government contracting for businesses is having a robust and reliable accounting system. Our **Contract Accounting** course is designed to acquaint businesses with the accounting system standards that are used by most governments. Another essential course to understanding the procurement process is **Response to RFPs/Proposal Writing**. This course teaches the structure of an RFP, how to understand every section and its requirements, how to identify required sources, and how to plan, develop write, review and deliver a complete, compliant and compelling proposal. These services are available to all small businesses and we are increasing outreach to ensure underrepresented businesses are aware and have access.

Additionally, through seven **NYC Business Solutions Centers** across the five boroughs, SBS provides free, accessible services to local businesses, including how to secure financing and access City benefits. To ensure that underrepresented businesses

are aware of the many services available to them, we have made outreach a major priority for our agency. With support from Council, SBS has two new ways of engaging with business owners directly in communities. Through **Chamber on the Go**, we are deploying trained business specialists to connect with small business owners in neighborhoods across the five boroughs. SBS also recently launched a **Mobile Outreach Unit**, boosting our support by bringing our services directly to business owners, community-based organizations, and jobseekers in their own neighborhoods. We are always looking for opportunities to work with Council, advocates and community organizations to bring all of these services directly to underrepresented businesses.

Our mission at SBS is to ensure all New Yorkers have access to economic opportunities and as such, we will continue to develop programs to address gaps we see. We hope to work with Council to better understand the needs of underrepresented businesses and we are always looking for opportunities to work with advocates and community organizations to ensure they have access to City services. Thank you and I am happy to take any questions you may have.



National LGBT
Chamber of Commerce

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Testimony by the National LGBT Chamber of Commerce
New York City Council -- Contracts Committee

November 29, 2017

On behalf of the National LGBT Chamber of Commerce , NGLCC New York, and the more than 1.4 million LGBT business owners we represent in the United States as the sole certifying body for LGBT Business Enterprises, I thank the Committee on Contracts for their leadership today in looking to expand city contracting to include certified LGBT Business Enterprises (LGBTBEs). This is an economically and socially essential issue, which is first and foremost about the economic development of the City of New York and growing its diverse business communities. Having helped usher in this kind of inclusive economic policy in the states of California, Massachusetts, Pennsylvania, across federal agencies, and over 1/3 of the Fortune 500, NGLCC and our partners are here to help this committee and this state ensure such inclusion is **revenue neutral and free of additional red tape** that is cumbersome to small business development.

The rationale for this policy shift is simple: the city's economy cannot achieve its full potential without the full participation of every citizen of New York City. Greater diversity among suppliers encourages **greater innovation and competition**. Greater competition **lowers bid prices**. Lower bid prices results in **millions of dollars in taxpayers savings** across NYC.



National LGBT
Chamber of Commerce

In January of 2017, NGLCC released a groundbreaking, first ever analysis of the economic impact of LGBT business owners in America. **Each year LGBT-owned businesses add \$1.7 trillion dollars to the economy.** They create lasting businesses that employ tens of thousands of Americans. They diversify local economies and make our cities more attractive to investment. New York City's estimated 45,000 LGBT business owners are ready, willing, and able to keep growing this city's economy—they simply need your passage of this initiative to do it.

It's the tax revenue created by LGBT and other diverse-owned businesses that help pay for the billions spent on NYC contracts. Opening them up to our communities is simply a matter of fairness and will cement New York City as a national leader in economic opportunity, expanding contracting opportunities and allowing *all* diverse communities in NYC to thrive.

Perhaps most importantly: the mechanism to make this happen is right in front of us now. NYC.gov currently states that M/WBEs certified with one of the NYC Department of Small Business Services' partner organizations may be eligible to submit a Fast Track Application. **NGLCC seeks to be added to the list of SBS partners for pre-qualification, as the City of Boston and others currently do with LGBTBEs. Furthermore, we are asking for zero percent set-aside**, simply inclusion and the chance to win on merit. Our businesses deserve nothing less.

It is extremely important to note that including LGBTBEs and others will not detract or diminish the contracting opportunities for our friends already in the diverse business community. Adding more suppliers fuels competition, lowers prices for taxpayers, and allows diverse communities to work *together* in order to grow the overall number of contracting opportunities and increase economic growth across a broader array of opportunities.



National LGBT
Chamber of Commerce

It's time for New York City, a respected leader in business, diversity, and opportunity, to take its place as one of the most inclusive states for minority-owned business in America. I assure you the growth here among new small businesses will astound you. Following the implementation of the California's AB1678 business inclusion law, there was a dramatic spike in the number certified LGBTBEs in California—resulting in a more than 200% increase in LGBT businesses in the state in the first year. We know that can and will happen here in New York City.

Strong, modernized, and fully-inclusive WMBE and Supplier Diversity programs prove every day to corporations, governments, and communities that bringing everything we are to everything we do makes us more competitive as businesses, more confident as business people, more connected as a business community, and more successful as an economy.

We are excited to soon count the City of New York among those who believe in the power of inclusion not just as the right thing to do, but also as an economic imperative that benefits every citizen of the city. This city's economy will be more inclusive and successful thanks to your leadership; leadership which our communities are seeking more than ever in these uncertain political times. We look forward to announcing soon that New York City is open for business to everyone who lives here.



NEW YORK CITY LGBT BUSINESS ENTERPRISE (LGBTBE)

INCLUSION IN M/WBE PROGRAMS

The NGLCC policy teams look forward to collaborating and creating a policy to include the thriving LGBT business community in New York City's procurement and contracting opportunities for the economic well-being of NYC.

Not only is the model for intentional inclusion of certified LGBT Business Enterprises (LGBTBEs) championed by NGLCC revenue neutral for the City, it's a ready-to-launch turnkey solution that is already in use by an ever-growing number of Fortune 500 companies & government agencies. We want to help you painlessly implement a mechanism to grow industries and create jobs while becoming a leader in economic inclusion of all diverse people.

NGLCC Background & Certification:

- NGLCC is the only national not-for-profit advocacy organization dedicated to expanding the economic opportunities and advancements of the LGBT business community and exclusive certification body for LGBT Business Enterprises (LGBTBEs)
- The NGLCC LGBTBE certification is a fully accredited process that is rigorous and thorough. It is recognized by well over 1/3 of the Fortune 500 companies, multiple state and local governments, and federal agencies.
- Estimated 1.4 million LGBT business owners in US; now over 1,000 NGLCC Certified LGBTBEs in USA
- 50+ NGLCC Local Affiliate chambers across the US like NGLCCNY, 180+ corporate partners, and 15+ international affiliates
- LGBTBEs build supply chain relationships with America's leading corporations & agencies, create jobs, and generate economic growth; **LGBT businesses add \$1.7 TRILLION to US GDP** (per NGLCC's *America's LGBT Economy Report*)

What is the rationale for the inclusion of certified LGBT Business Enterprises (LGBTBEs)?

The rationale is simple; our economy simply doesn't work without full participation. Discrimination is not only morally wrong; it's inefficient. The City's economy will be strengthened as more citizens fully engage in building equity, creating jobs, and building sustainable economic strength.

LGBT business owners pay taxes and create jobs in the same way that all small businesses do. They should have access to every opportunity to grow their enterprises, including contracting and procurement opportunities with their cities and states. Intentional inclusion efforts must be made in order for underutilized diverse communities to recognize and engage in these types of opportunities. The strongest economies are the ones that include and engage everyone.

Including LGBTBEs will not detract or diminish the contracting opportunities for our friends already in the diverse business community. Adding more suppliers drives competition, lowers prices for taxpayers, and allows diverse communities to work *together* in order to grow the overall number of contracting opportunities and increase economic growth.

Additionally, the LGBT segment intersects with all other diverse segments. Including LGBT people strengthens all other inclusion efforts; it will attract more people of color, more women, more people with disabilities, and more Veterans. It's important to note that over 1/3 of Fortune 500 companies agree with this principle and include certified LGBTBEs in their supplier diversity programs.

Any Questions? Team NGLCC is standing by for you:

- Jonathan Lovitz, SVP in NYC | Jlovitz@NGLCC.org
- Sam McClure, SVP in DC | Smcclure@NGLCC.org
- NGLCC Policy Team | Advocacy@NGLCC.org
- Call our office: 202.234.9181



Would supplier diversity initiatives have a fiscal impact to New York City?

No, it doesn't have to. By recognizing the NGLCC as the exclusive third-party certification body, the initiative can be revenue neutral. Which means there does not have to be a cost to the taxpayers in the County in implementing such policies. Ultimately, supplier diversity initiatives create many new jobs in growing industries.

Furthermore, the inclusion of LGBT businesses in the pool of qualified potential bidders on contracts will lead to greater competition, which traditionally leads to lower prices/saving for the County.

Would supplier diversity initiatives make it more expensive to do business in New York City?

No. Quite the opposite. Greater competition by a large pool of qualified bidders leads to lower prices for goods & services purchased with taxpayer dollars.

What certification mechanism is used to define an LGBT Business Enterprise?

The National LGBT Chamber of Commerce (NGLCC) has a fully accredited certification process which is rigorous and thorough. The NGLCC's certification process is based on the certification process of such well-respected organizations such as the National Minority Supplier Diversity Council (NMSDC) and WBENC. The LGBT Business Enterprise Certification includes the submission of financial/corporation documents for review and analysis to determine complete ownership, site visits to ensure that the business is meeting Commercially Useful Function Guidelines and operating in compliance with standard industry ethics and guidelines.

Each application also goes before a certification committee, which is a third-party certification body that reviews all the application files, site visit notes, and makes an independent decision on the eligibility of each applicant based on the certification criteria and application files.

Is it as rigorous a certification as the DBE Certification or WEBENC, NMSDC's Certifications?

The NGLCC's certification and analysis is based on the same founding principles and guidelines as the process for the United States Department of Transportation's Disadvantaged Business Enterprise Program (DBE), WBENC's, and NMSDC's certification programs which include the submission of financial/corporate documentation, analysis to determine at least 51% LGBT ownership, operation and control, site visits and close adherence to ethics standards.

More information on LGBTBE Certification is available at nlgcc.org.

NYC.gov currently states that M/WBEs certified with one of the NYC Department of Small Business Services' partner organizations may be eligible to submit a Fast Track Application. NGLCC seeks to be added to the list of SBS partners for pre-qualification, as the City of Boston and others currently do with LGBTBEs.

Note: If a business is M/WBE or LBE certified with one of the NYC Department of Small Business Services' partner organizations, the business may be eligible to submit a Fast Track Application. Businesses that have previously applied for M/WBE Certification or are currently under review with the City of New York are not eligible for a Fast Track Application. Before beginning this application, businesses should contact the organization with which they are certified with to find out whether they qualify for a Fast Track Application.

The NYC Department of Small Business Services' partner organizations are:

- New York City School Construction Authority
- Port Authority of New York and New Jersey
- Women President's Educational Organization
- New York & New Jersey Minority Supplier Development Council Inc.
- New York State Department of Economic Development



Who else is implementing supplier diversity initiatives?

New York City would be following in the steps of several states, state agencies, other counties as well as cities. For LGBT business owners doing business with NYC, supplier diversity initiatives provide fair access to business opportunities and **cultivates innovation, creates jobs, and drives economic growth.**

Currently, the Commonwealth of Massachusetts, the Commonwealth of Pennsylvania, two state agencies, California's Public Utilities Commission (CPUC) and the Philadelphia Regional Port Authority (PRPA), and several regional governments, including Essex County, NJ, King County, WA and Cleveland, OH, engage in the intentional inclusion of certified LGBT owned businesses. Additionally, the [State of New York](#) has recently introduced supplier diversity legislation.

With the passage of [AB1678](#) in 2014, California became the first-in-the-nation to pass a public mandate requiring the intentional inclusion of certified LGBT Business Enterprises in contracting with California Public Utilities. Following the implementation of the law, there was a dramatic spike in the number certified LGBTBEs in California.

With the enacting of executive order [no. 565](#) in 2015, Massachusetts became the first-in-the-nation to expand supplier diversity initiatives to include the LGBT Business Enterprises *statewide*. This precedent setting public policy also required the inclusion of all veteran-owned and disability-owned businesses.

Following the great work in Massachusetts and California, [Pennsylvania](#) enacted a similar executive order to Massachusetts expanding nondiscriminatory practices in contract and grant awarding to include sexual orientation, gender identity and gender expression. The Pennsylvania executive order is all encompassing, including nondiscrimination practices in the awarding of contracts and grants, the hiring and treatment practices of contract and grant awardees, and the awarding of subcontracts and supply contracts for performance of contract and grant awardees.

Every day the NGLCC policy team is coordinating with local legislators to create opportunities for LGBT business owners to contract with state governments just like every other small business. National legislation or a Presidential executive order is necessary to ensure that every LGBT business owner has the same right to opportunities as everyone else in America.

Below is a list and detailed explanation of each LGBTBE inclusion policy effort.

California's Public Utilities Commission (CPUC)

Summary: This bill extends provisions of the utilities' Supplier Diversity Program that is administered by the CPUC to LGBT business enterprises (LGBTBEs). With the passage of AB1678 in 2014, California became the first-in-the-nation to pass a public mandate requiring the intentional inclusion of certified LGBTBEs in contracting with California Public Utilities. Following the implementation of the law, there was a dramatic spike in the number of certified LGBTBEs in the County.

Policy Highlights:

1. Mandates submission of verifiable plans for increasing procurement from LGBTBEs
2. Requires the CPUC to adopt the certification standards created by the NGLCC

Source of Authority: Legislative Statute (AB 1678)

Best Practices: Recognizing third party certification of LGBTBEs by the NGLCC to create a revenue neutral certification and verification process

Means for Data Collection (if any): Requires annual reports detailing the progress of increasing procurement from LGBTBEs

Implementation & Administration costs: As this legislation simply adds a certification category to a process that CPUC was already doing, the implementation and administration costs were/are negligible. Additionally, because the CPUC accepted third party certification of LGBTBEs by the NGLCC, it did not have the additional cost of implementing a new certification process.



Massachusetts (and City of Boston)

Summary: Expanding the Massachusetts Supplier Diversity Program to include veteran, disability and LGBT owned businesses. With the enacting of executive order no. 565 in 2015, Massachusetts became the first-in-the-nation to expand supplier diversity initiatives to include the LGBTBES *statewide*. This precedent setting public policy also required the inclusion of all veteran-owned and disability-owned businesses.

Policy Highlights:

1. First-in-the-nation statewide inclusion of certified LGBTBES
2. Expanded certificate categories to include: veteran-owned business enterprises, disability-owned business enterprises, and LGBT-owned business enterprises

Source of Authority: Executive Order (No. 565)

Best Practices: Recognizing third party certification of LGBTBES by the NGLCC to create a revenue neutral certification and verification process

Means for Data Collection (if any): Supplier Diversity Office's annual report (previously established reporting system expanded to include veteran, disability and LGBT owned business data)

Implementation & Administration costs: As this executive order simply adds certification categories to a process that the state was already doing, the implementation and administration costs are negligible. Additionally, because the state has accepted third party certification of LGBTBES by the NGLCC, it does not have the additional cost of implementing a new certification process.

Pennsylvania

Summary: To ensure that Commonwealth contracts and grants are nondiscriminatory (by race, gender, creed, color, sexual orientation, or gender identity or expression). Following the great work in Massachusetts and California, Pennsylvania enacted a similar executive order to Massachusetts expanding nondiscriminatory practices in contract and grant awarding to include sexual orientation, gender identity and gender expression. The Pennsylvania executive order is all encompassing, including nondiscrimination practices in the awarding of contracts and grants, the hiring and treatment practices of contract and grant awardees, and the awarding of subcontracts and supply contracts for performance of contract and grant awardees.

Policy Highlights:

1. Prohibits discrimination (by race, gender, creed, color, sexual orientation, or gender identity or expression) in three aspects:
 - a. In the award of Commonwealth contracts and grants
 - b. By those who are awarded Commonwealth contracts and grants in the hiring and treatment of their employees
 - c. By those who are awarded Commonwealth contracts and grants in their award of subcontracts and supply contracts for performance under Commonwealth contracts.
2. Directs Commonwealth agencies to consider programs designed to increase participation of LGBTBES in contracts with the state
3. Promotes creation of educational programs to better prepare LGBTBES to compete and succeed in the Commonwealth economy

Source of Authority: Executive Order (2016-05 - Contract Compliance)

Best Practices: Recognizing third party certification of LGBTBES by the NGLCC to create a revenue neutral certification and verification process

Means for Data Collection (if any): The executive order mandates the development and implementation of monitoring and reporting systems. These systems should be developed and come fully into effect in 2017.



Essex County, NJ

Summary: Inclusion of LGBTBEs in supplier diversity program. In a Memorandum of Understanding between the County of Essex and NGLCC, the County agreed to begin recognizing the NGLCC certification of LGBTBEs and expanded their outreach to include local LGBT affiliates.

Policy Highlights:

1. Recognized NGLCC certification of LGBTBEs
2. Expanded outreach to LGBT community

Source of Authority: Essex County Office of Small Business Development and Affirmative Action order (through MOU)

Best Practices: Recognizing third party certification of LGBTBEs by the NGLCC to create a revenue neutral certification and verification process

Implementation & Administration costs: As this action simply adds recognition to an additional certification category to a process that the County was already doing, the implementation and administration costs were/are negligible. Additionally, because the County recognizes the third party certification of LGBTBEs by the NGLCC, it did not have the additional cost of implementing a new certification process.

King County, WA

Summary: Expanding King County's tracking system for contracts awarded to include LGBTBEs. The County Business Development and Contract Compliance Office will begin tracking the number and dollar value of contracts that are awarded to certified LGBTBEs. These LGBTBEs will also be certified as Small Contractors and Suppliers under the County's Contracting Opportunities Program.

Policy Highlights:

1. Inclusion of LGBTBEs into the county's diversity supplier tracking system
2. Begin tracking the number of contracts procured by LGBTBEs

Source of Authority: No new legislation or executive order was needed to implement these changes, however, the authority would be under King County Employee-based Equal Opportunity (EEO)/Affirmative Action (AA) Advisory Committee

Means for Data Collection (if any): Data collection will be through the existing system which new firms self-identifying as LGBTBEs and County staffers verifying certification status with the NGLCC

Implementation & Administration costs: The process has just begun so no data has been collected on costs, however, given that the process of accepting NGLCC certification is revenue neutral and as the tracking system already exists, implementation and administration costs are expected to be negligible.

New York State (In Process)

Summary: Extend state contracting opportunities to LGBTBEs, disability-owned businesses enterprises and veteran-owned business enterprises. This piece of legislation has been recently introduced into the NY State congress.

Policy Highlights:

1. Establishes new division to regulate all supplier diversity efforts
2. Develops guidelines and deadlines for annual reports tracking the progress of increased procurement by LGBTBEs
3. Establishes NGLCC as third-party certifier for LGBTBEs

Source of Authority: Legislative Statute (A10622) (Has not been passed)



Philadelphia Regional Port Authority (PRPA)

Summary: To promote opportunities for full participation by Minority-owned, Women-owned, Veteran-owned or Service-Disabled-Veteran-owned and LGBT-owned small businesses in all project-related construction contracts. To promote full participation in contracting opportunities for all disadvantaged businesses, to include LGBTBEs, by insuring that all Prime Contractors do not discriminate in the solicitation, award and administration of construction subcontracts on PRPA's projects.

Policy Highlights:

1. Prohibits discrimination against LGBTBEs, in addition to minority-owned, women-owned, veteran-owned or service-disabled-veteran-owned small businesses, in awarding contracts for the PRPA
2. Establish minimum levels for participation

Source of Authority: The Board of the PRPA mandate

-City of Cleveland, OH

Summary: Provides access to contracting opportunities to LGBTBEs

Policy Highlights:

1. Established a registry for LGBT business enterprises to provide access to contracts and bids
2. Provides the opportunity to track economic growth among LGBT business enterprises

Source of Authority: City of Cleveland order

What contributions have LGBT Chambers of Commerce made to the business community?

At the national level, the National LGBT Chamber of Commerce has established memorandums and shared programming with the U.S. Small Business

Administration (2012 & 2015), the U.S. Department of Commerce (2011), the U.S. Department of Labor (2013), the U.S. Department of Agriculture (2016) and several other government agencies. They are the founding organization behind the National Business Inclusion Consortium (2011), which includes the U.S. Hispanic Chamber of Commerce, the U.S. Business Leadership Network: Disability at Work, the Women's Business Enterprise National Council, the U.S. Pan Asian American Chamber of Commerce, the National Black Justice Coalition, and WeConnect International.

Lesbian, gay, bisexual, and transgender chambers of commerce are similar in operation to other minority, women, or general market chambers of commerce.

They make significant contributions to the economic vitality of their respective regions and states, and nationally. LGBT chambers are focused on providing services and opportunities to the businesses they represent. This includes but is not limited to: business development opportunities, workshops, conferences, and capacity building seminars for business owners, and entrepreneurial scholarships and grants. Local chambers of commerce may be able to offer support with specific business services, recommend or advise on business loans and grants, and provide opportunities for peer-to-peer business networking and foster new connections. Many local chambers have thousands of small business members.

Local chambers are also deeply involved in establishing links with corporations within their footprint and have helped to incorporate LGBT-owned businesses into larger corporate supply chains. In this respect, they serve as a bridge between corporate procurement opportunities and small business contractors.

Nationally and at the state level, LGBT chambers of commerce provide input on policy, legislative, and regulatory matters where they may impact the small business community.

From: Jonathan Lovitz jlovitz@nglcc.org
Subject:
Date: September 14, 2017 at 2:51 PM
To:



How to Apply for Expanded Certification Categories

With the issuance of [Executive Order 565](#) effective November 3, 2015, the Supplier Diversity Program (SDP) now includes the following designations: Minority (MBE), Women (WBE), Service-Disabled Veteran (SDVOBE), Veteran (VBE), Lesbian, Gay, Bisexual and Transgender (LGBTBE); and Disability-Owned Business Enterprises (DOBE).

In order for the Commonwealth to determine whether businesses participating in the SDP are in fact owned and controlled by individuals that fall into certification designations, the SDO must either conduct internal certification investigations or rely on certification investigations conducted by other organizations. The SDO has evaluated and established relationships with the several reliable and well-respected certification entities as follows:

For MBE, WBE and VBE Applicants

The SDO accepts certification applications and conducts certification investigations for [MBE](#), [WBE](#) and [VBE](#) certification. In addition to accepting applications for MBE/WBE/VBE certification directly, cross-application options include:

If you are certified by or applying to ...	Certification Category	Instructions and Forms
The City of Boston	MBE/WBE	Complete and upload Application for Already Certified by third Party and the required supporting documents; City of Boston Contact: Stacey Williams, Deputy Director of Operations, Certification Manager atstacey.williams@boston.gov
The Center for Women Enterprise (CWE) (New England WBENC) and other WBENC National affiliate offices, where offered	WBE	Complete and upload Application for Already Certified by Third Party and upload the required supporting documents; CWENC Contact: Jessica Yamas, Program Certification Manager at certification@cweonline.org
The Greater New England Minority Supplier Development Council (GNEMSDC) and other NMSDC National affiliate offices, where offered	MBE	Complete and upload Application for Already Certified by Third Party and upload the required supporting documents; GENEMSDC Contact: Denise Massingale-Lamb, Director of MBE Services and Certification at admlamb@gnemsdc.org
VetBiz/U.S. Department of Veterans Affairs Office of Small and Disadvantaged Business Utilization (OSDBU)	VBE, SDVOBE	Complete and submit the Application for verification and attach the required supporting documents
Uniform Certification Program (UCP) Federal Disadvantaged Business Enterprise (DBE) certification	MBE/WBE/PBE/VBE	Complete and submit the Massachusetts Certified DBE state Application for verification for Massachusetts Certified DBE Businesses and attach the required supporting documents

The SDO's acceptance of application materials previously submitted to the certifying organizations above eliminates the need for applicants to complete the SDO application. In addition, the SDO will accept proof from the certifying organization that a site visit was successfully completed, eliminating the need for applicants to have a separate SDO site visit.

Massachusetts MBE/WBE certification status resulting from cross-application relationships is contingent on the applicant's standing with the original certifying organization. The Massachusetts MBE/WBE certification start date will be the date the SDO completes the review of the application. The expiration date will be the same as the original certification expiration date.

Mutual application recognition with the City of Boston

Companies applying for Massachusetts MBE/WBE/VBE certification directly with the Supplier Diversity Office may use the same application and supporting materials to apply for MBE/WBE/VBE certification with the City of Boston. This will eliminate the need for applicants to complete the City of Boston application. In addition, the City of Boston will accept SDO's confirmation that a successful site visit was conducted eliminating a separate site visit from the City of Boston.

For LGBTBE, DOBE and, SDVOBE Applicants

The SDO also utilizes the following entities as the certifying organization in the following certification categories:

If you are certified	Certification	Instructions and Forms
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by...	Category	
The National Gay and Lesbian Chamber of Commerce (NGLCC)	LGBTBE	Complete and submit the Application for verification  and attaching the required supporting materials.
The US Business Leadership Network (USBLN)	DOBE, SDVOBE	Complete and submit the USBLN Verification Application Application for verification  and attach the required supporting documents; USBLN Contact: Cami Turcotte, Disability Supplier Diversity Program Coordinator at cami@usbln.org

Questions. If you have any questions regarding the SDP, please consult the [Executive Order 565 Implementation FAQs](#)  document or contact John Fitzpatrick, Director of SDO Programs, at John.B.Fitzpatrick@state.ma.us.



OPERATIONAL SERVICES DIVISION

Supplier Diversity Office (SDO)

Application for Verification

For firms already certified by Nationally Recognized Certifying Organization(s) that provide the complete certification services on behalf of the Commonwealth of Massachusetts for select certification categories identified below.

I am seeking to be included on the Commonwealth's approved certification list for the following certification category(ies) for which my company has already been certified by the following Certifying Organization(s):

Certification Categories (Check all that apply)	Certifying Organizations (Check all that apply)
<input type="checkbox"/> - Disability-Owned Business Enterprise (DOBE)	<input type="checkbox"/> - U.S. Business Leadership Network (USBLN)
<input type="checkbox"/> - Lesbian, Gay, Bisexual or Transgender-Owned Business Enterprise (LGBTBE)	<input type="checkbox"/> - National Gay and Lesbian Chamber of Commerce (NGLCC)
<input type="checkbox"/> - Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)	<input type="checkbox"/> - U.S. Business Leadership Network (USBLN) <input type="checkbox"/> - VetBiz/U.S. Department of Veterans Affairs Office of Small and Disadvantaged Business Utilization (OSDBU)
<input type="checkbox"/> - Veteran-Owned Business Enterprise (VBE)	<input type="checkbox"/> - VetBiz/U.S. Department of Veterans Affairs Office of Small and Disadvantaged Business Utilization (OSDBU)
COMMBUYS Registration - All Firms seeking DOBE, LGBTBE, SDVOBE and/or VBE certification are required to register in the Commonwealth's Market Center, at www.COMMBUYS.com , unless they request a waiver of the COMMBUYS registration requirement. Check the applicable box:	<input type="checkbox"/> - I have registered my firm in COMMBUYS, where the Commonwealth and many municipalities post their bidding opportunities; my COMMBUYS Vendor ID # is: Click here to enter the COMMBUYS Vendor ID. ; or <input type="checkbox"/> - I have not registered my firm in COMMBUYS because I am not interested in Commonwealth public bidding/contract opportunities and request a waiver of the COMMBUYS registration requirement.
Small Business Purchasing Program (SBPP) ¹ : When registering in COMMBUYS, did you also register for the SBPP? (Check one):	<input type="checkbox"/> - Yes; -or- <input type="checkbox"/> - No; If no, please describe why: Click here to enter text.
Required Company Information	Applicant Response
Eligible Principal/Agent (First Name & Last Name):	
Owner Name (if different):	
Company Name:	
Doing Business As (DBA):	
Federal Employer Id # (FEIN or SSN):	
Contact Person Name:	
Email Address:	
Company Website:	
Phone Number:	
Faximile Number:	
Street Address:	
City, State Zip Code:	
Description of goods/services provided (as was accepted by the Certifying Organization):	
Applicable NAICS codes (as accepted by the Certifying Organization):	

¹ To qualify for the SBPP, a firm must: (1) Have its principal place of business in Massachusetts; (2) Have been in business for at least one year; (3) Currently employ a combined total of 50 or fewer full-time employee (FTE) equivalents in all locations; and (4) Have gross revenues as reported on the appropriate Massachusetts Department of Revenue state tax forms of \$15 million or less, based on a three (3)-year average.

By submitting this application and signing below, I agree to adhere to the SDO's certification regulations, 425 CMR 2.00, and hereby authorize the Supplier Diversity Office (SDO) of the Operational Services Division (OSD) to:

- Accept my firm's certification from the above-referenced Certifying Organization(s) for purposes of conducting business with the Commonwealth of Massachusetts in the above-referenced Certification Category;
- Request confirmation of certification by the above-referenced Certifying Organization(s); and
- List my company name in the SDO certification directory under the above-referenced Certification Category.

The SDO will use this application and certification by the above-referenced Certifying Organization to confirm eligibility. SDO employees shall adhere to OSD's privacy policy during this review. This information will solely be released or disclosed on an as needed basis in connection with the applicant firm's certification confirmation. An electronic or photo copy of this document shall have the same legal effect as the original. Certification eligibility shall be evaluated under current circumstances. Additional or updated information may be requested on an as needed basis. The SDO will use the contact information above to communicate with applicant.

By signing below, I agree to allow the SDO to utilize application information about my firm after being successfully certified in order to enable the OSD and other agencies participating in supplier diversity programs (including, but not limited to Commonwealth Departments, the MBTA, and MassHousing) to identify my firm in their respective vendor databases as being certified.

I have read and understand the terms of this application, which shall remain in effect until I revoke it in writing. In signing below I understand that I have a continuing duty to notify the above-referenced Certifying Organization and the SDO within thirty (30) business days of any change in circumstances (ownership or control) or if my firm is decertified for any reason by above-referenced Certifying Organization(s). The forgoing statements are made of my own free will under the pains and penalties of perjury.

Signature of Eligible Principal or Agent	Typed/Written Name of Eligible Principal/Agent	Date Signed

Submission Instructions: Complete this form in full, attach a copy(ies) of current certificate(s) issued by the Certifying Organization(s), and mail to Supplier Diversity Office, One Ashburton Place, Room 1017, Boston, MA 02108.

NGLCC's Groundbreaking Research Exploring the Economic Impact of LGBT Business Owners

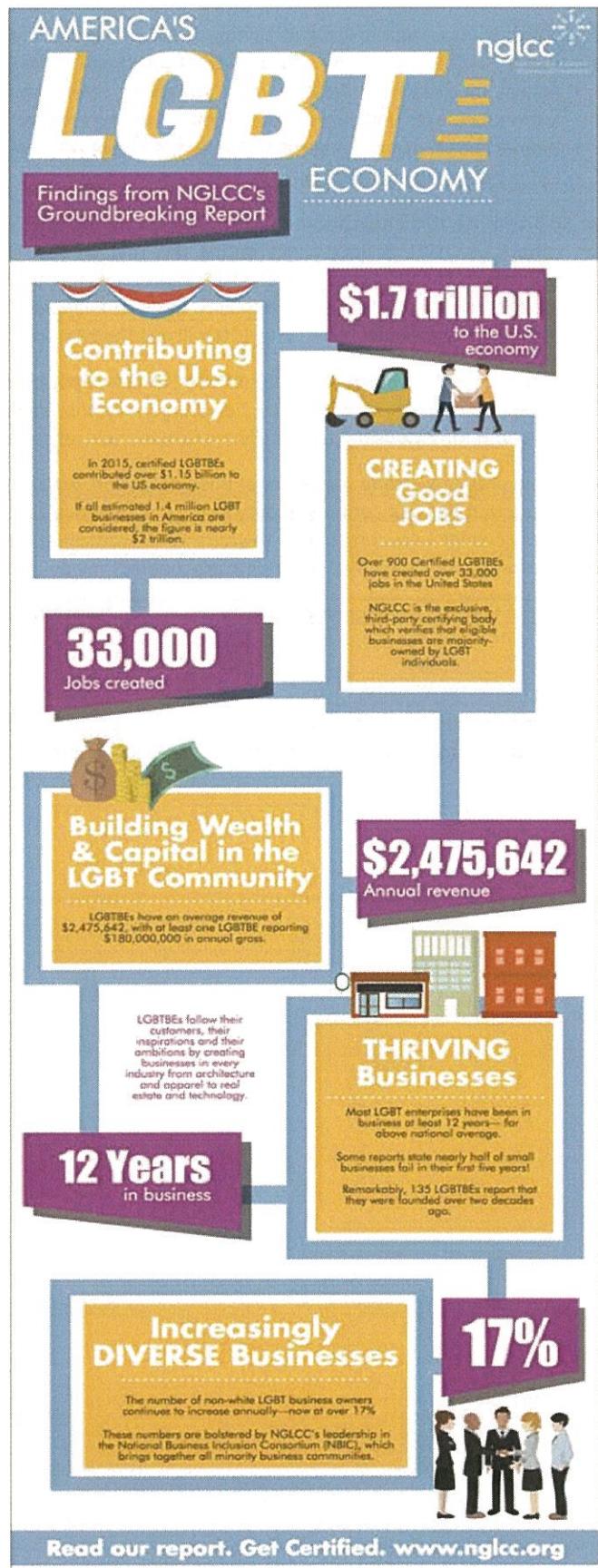
In January 2017, The National LGBT Chamber of Commerce released the first ever snapshot demonstrating the economic and social impact of America's leading LGBT business owners and entrepreneurs.

"These numbers tell the real story," said Bob Witeck, President of Witeck Communications, a certified LGBTBE that served as the analyst for this report. "While our community's \$917 billion spending power highlights our market clout, the jobs, tax revenues and profits we create as employers and entrepreneurs define our full economic value to America. We are just beginning to scratch the surface of our potential."

"The National LGBT Chamber of Commerce is elated to be able to evidence through this report what we've observed since our founding fifteen years ago: that America's LGBT business owners are driving our economy upward and deserve every opportunity to keep creating jobs and innovating our industries. The estimated 1.4 million LGBT business owners NGLCC advocates for have truly earned a place at the equality table," said NGLCC Co-Founder & President Justin Nelson. "If you are an LGBT business owner and not yet certified, you're leaving opportunities on the table to help your business and our economy grow. For the LGBT community, this also means we are missing out more accurate data, role models, job creators, and future success stories that prove 'If you can buy it, a Certified LGBTBE can supply it.' "

"At NGLCC, we have nearly 200 corporate and government partners that understand not only the value of the LGBT dollar, but the economic imperative of inclusivity and LGBT visibility in their supply chains and marketplace. This groundbreaking report proves our NGLCC philosophy that economic visibility, just like social visibility, is essential in building a diverse and inclusive society," said NGLCC Co-Founder & CEO Chance Mitchell.

Read the full report at www.nglcc.org/report



Read our report. Get Certified. www.nglcc.org



NYC Veterans Alliance

www.nycveteransalliance.org

www.ourveterans.nyc

Testimony by

Corey Ortega
Director of Civic & Government Affairs
NYC Veterans Alliance

Re: File # T2017-6923 Oversight - Examining Existing Supports and
Needs of Underrepresented Business Owners in City Procurement

**Committee on Contracts
Helen Rosenthal, Chair**

November 29, 2017

My name is Corey Ortega and I am Director of Civic & Government Affairs for the NYC Veterans Alliance, a member-driven, grassroots policy advocacy and community-building organization that advances veterans and families as civic leaders in NYC and beyond. I am presenting testimony today on behalf of our members regarding existing supports and needs of underrepresented veteran business owners in city procurement.

NYC government currently has contracting goals for Minority and Women-Owned Business Enterprises, and those programs have made important strides in both improving the viability of these businesses and increasing the number of M/WBEs that NYC agencies contract with. Today, we urge this Committee take a similar approach for veteran-owned businesses, creating a focused program for these businesses in city contracting.

In 2014, the former Mayor's Office of Veterans Affairs and Small Business Services produced a report that led them to conclude that there should be no program for veteran businesses. We've previously pointed out the limits of that report, and many advocates noted that the numbers produced in the report were stunningly low, contradicting the number of veteran entrepreneurs in NYC reported in the 2007 U.S. Census. We recommend that as a first step, a new survey be done and report filed so this Committee can have a clearer picture of the state of veteran-owned businesses in NYC. Following that, we recommend:

1. NYC government set a goal of 3% for contracts with service-disabled veterans—the mandated minimum for federal contracting—and work toward reaching that goal as it currently does with M/WBEs. If service-disabled veterans do not currently own businesses, or their business is not viable to contract with the city, then outreach can and should be made by SBS to increase the number of viable businesses owned by service-disabled veterans. It should not be assumed that service-disabled veterans do not wish to own viable businesses that benefit from city purchases.

2. NYC government should commit to working toward an overall goal of 6% for contracts with all veteran-owned businesses, to encompass the goal of 3% for service-disabled veterans.

Veteran-owned businesses are proven to have higher success rates, and are worthy investments for NYC government to establish and work toward contracting goals.

3. The NYC SBS website and other outreach materials must include information specific to businesses owned by service-disabled veterans and veterans in general.

To better understand how to make this program possible, we ask what number of Veteran Business Enterprises would be considered enough for the City to create a set aside similar to the M/WBE program? There is a lack of clarity on what the population should be for the City to consider this a viable program, what is the threshold? The 2014 study estimated that there were 6,200 veteran-owned businesses in NYC that could meet the requirements for contracting with the city. That survey only included businesses based in NYC -- a new survey that included veteran owned businesses in New York State would, we believe, see a dramatic increase the number of veteran-owned and service disabled veteran-owned businesses that could meet those requirements.

We urge this Committee to address the ongoing challenges facing veteran entrepreneurs, and bring city resources to bear creating programs specific to veterans and their needs.

On behalf of the NYC Veterans Alliance, I thank you for the opportunity to testify today. Pending your questions, this concludes my testimony.



NYC Veterans Alliance

www.nycveteransalliance.org

www.ourveterans.nyc

Testimony by

Manuel Rodriguez
Get Ready to Run Fellow
NYC Veterans Alliance

Re: File # T2017-6923 Oversight - Examining Existing Supports and
Needs of Underrepresented Business Owners in City Procurement

Committee on Contracts
Helen Rosenthal, Chair

November 29, 2017

My name is Manuel Rodriguez and I am a Get Ready to Run Fellow for the NYC Veterans Alliance, a member-driven, grassroots policy advocacy and community-building organization that advances veterans and families as civic leaders in NYC and beyond. I am presenting testimony today on my personal experiences as a newly formed veteran business owner, and the steps that NYC could take to become more friendly to veteran-owned businesses like mine.

I'm a veteran of the United States Air Force and my new business, Special Forces LLC, was the culmination of a the struggle that most veterans go through during their transitioning back into society. During my transition there were no welcome signs nor were there any easily accessible resources or programs to put a veteran like myself on the road to continue with the training and the career success that I had during my time in service. I can clearly remember an interviewer at an airline company tell me that I was overqualified. I can also clearly remember a housing director giving me the runaround for a one bedroom apartment until a fellow veteran at HUD saw that I was a veteran and assisted with the process. Most civilians wouldn't know that we served unless they saw us in uniform. The idea that veterans are our country's great renewable resource has not yet permeated our society, and that has had an impact on the quality of employment and opportunities that veterans are afforded.

All the different jobs that I've had have lead me to start a company to better my chances to succeed. There's a sea of information for veteran startup companies, but it isn't easy to navigate. Web-based resources just refer you to other websites, so I built a team of friends to help with research. I had no money and no accountant to help me, so I filed the LLC paperwork by myself. Banks and lenders wouldn't consider lending to a startup like mine, newly formed and with no funding to backup the loan. Despite that, with no bank account, no website, and no business cards, we put in a couple of proposals to do political trainings. And we've had some success. But a dedicated, City-run, incubator for veteran entrepreneurs, ran by veterans, and assisted by the services of the Department of Veterans Services, would have smoothed my journey - and is something that can be piloted right here in the greatest city in the world. Imagine the financial, and social impact this would have on the million of families in the Empire State.

I thank you for the opportunity to testify today. Pending your questions, this concludes my testimony.



Brooklyn Small Business Development Center
New York City College of Technology



November 29, 2017

Subject : Testimony of Robert J. Piechota, Director-Brooklyn Small Business Development Center in reference to: "*Oversight - Examining Existing Supports and Needs of Underrepresented Business Owners in City Procurement.*"

Good Afternoon,

My name is Rob Piechota, and I am the Director of the Brooklyn, Small Business Development Center, ("SBDC") located in Brooklyn. There are eight NY City Small Business Development Centers throughout all the NY City Boroughs. Previous to my current assignment I served both as the Veterans Assistance and Services Program, ("VASP") Veteran Advisor across all NY City Boroughs, and I have also served as the Veteran Business Outreach Coordinator, ("VBOC") for the State of NY. I have worked for over six years in the greater NY City area with veterans in transition, and have served as MWBE advocate for the past four years in my role as the Director or our Regional center.

The mission of the Small Business Development Center network focuses heavily upon advocacy for the many groups being discussed here today. Central to our mission is face to face counseling in helping our clients attain key certifications and instruction on how to leverage that certification once achieved. (*"The phone does not ring just because one becomes certified!"*) Our close partnership with organizations such as the Brooklyn Chamber of Commerce has resulted in a quantum increase of certifications such as the 8A, Minority, Women's and Veteran City, State and Federal programs.

I am here specifically today to appeal to this committee to consider moving forward with a particularly ignored group of entrepreneurs. Well over 300 NY City Veterans are counseled by Small Business Development Centers each and every year. I will point out here; that number only reflects those that "self identify" themselves as veterans. I respectfully request that Veteran small business owners should be considered for their own set-aside when competing for City contracts.

The very rationale for having any set-aside at all for any particular group is largely to rectify issues that may have made the “playing field” uneven in attempting to gain access to the procurement space. Veterans as a group have vacated the small business space while they pursued service to their country. Whatever their respective reason for joining the military, the fact remains that they have risked life and limb in doing so. Upon their return to productive civilian life, it only makes sense that the greatest City in the world show the same patriotic zeal displayed in symbolic events such as “Navy Week” and the “Veterans Day Parade” in granting a 6% set-aside for qualifying veteran owned businesses competing for City contracts. Granted, there are few greater public relations events than both these two important events. However a more long-lasting, self-sustaining, economy-growing initiative, such as a “Veteran Certified” set-aside dedicated to these same heroic men and women would be so much more far reaching for veterans in business, veterans that are hired by these businesses, and the community at large.

It is my recommendation to this committee that a “Pilot” program be initiated within the next three months. Such a program could easily evaluate the viability of a Veteran- Certified Set-aside offering by NY City. The program could be limited to a maximum number of participants over a 6-12 month period, with metrics derived from performance, administrative costs and end user satisfaction, (What was the overall satisfaction rating of the purchaser). Another way such a pilot could be designed is to limit it to specified “NAICS” codes that would limit the number of participants sufficiently to examine the program effectively. By conducting an actual pilot program key stakeholders could examine accurate, objective data rather than relying on poorly done, subjective data as put forth by consultant groups in recent years.

While I do not speak for my State Director, I can commit my Regional Center to assist the appropriate agencies in any way possible in designing such a pilot program, administration as appropriate, and evaluation. The SBDC network has been utilized for such special missions repeatedly through every local disaster since the SBDC’s arrival in NY City back in 1986. The initiation of a pilot Veteran Owned Certification Set-Aside pilot program is a project well within our scope of interest/capability as a partner. Of all NY City based SBDCs The Brooklyn SBDC in particular is recognized as the SBDC lead center in all five boroughs in supporting veteran small business issues.

I thank you in advance for your consideration and action of such a worthwhile pilot program.

Sincerely,



Robert J. Piechota-Director
Small Business Development Center-Brooklyn
NY City College of Technology

Good afternoon Ms. Chairperson and committee members.

I am Dr. Brent Oberholtzer, founder and owner of Org-ology. I am a service disabled veteran and business owner in New York City. Org-ology is certified by the state of New York and the Department of Veterans Affairs as a Service- Disabled Veteran Owned Business. Thank you for giving me the opportunity to testify today. This committee is to oversee the procurement policy board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts. Thank you for the great work you do.

I want to tell you about the value veteran-owned business can offer the city, if given a fair clear path to engage in city contracts— on a fair and equitable level with other vendors. We spent the last three years bidding on contracts here in New York City and attempting to communicate the value added by Service- Disabled Veteran Owned Businesses to the city on so many levels.

New York State is home to nearly 900,000 veterans, with 600,000 having served during periods of conflict. According to the Veterans Administration, approximately 106,000 service-connected disabled veterans live in the state. New York State has certified over 400 Service- Disabled Veteran Owned Businesses with over 40% of these located within the New York City area. We veterans bring skills, know-how and the motivation to establish dynamic new businesses. Data shows that veterans are much more entrepreneurial than non-veteran groups. Creating more opportunities for veterans to

establish and grow new endeavors is the smartest, high-impact way to accelerate small business growth, which is the core of a dynamic New York City.

As you know Governor Cuomo signed into law Article 17-B of the Executive Law, enacted in 2014 awarding 6 percent of state contracts to businesses owned by disabled veterans. (By comparison, the federal government has a 3 percent goal for awarding contracts to Service- Disabled Veteran Owned Businesses.). An additional tool was authorized by Chapter 569 of the Laws of 2015, extending the authority for state agencies under State Finance Law § 163 (6) to use discretionary purchasing authority of up to \$200,000 to purchase commodities, services and technology to further promote purchasing from Service- Disabled Veteran Owned Businesses.

Federal law requires that any contract awarded over \$1,000,000 that if utilizing sub-contracts that 25% be with Service- Disabled Veteran Owned Businesses and 25% to MWBE type businesses. This like the MWBE program works to ensure that subcontracts are given to small minority and women owned businesses, but unlike the MWBE program that leaves out Service- Disabled Veteran Owned Businesses.

Org-ology, my company, comes to the procurement process with extensive knowledge and a lot of skill in this area. And it has been exceptionally challenging here in New York City to get a foot in the door. We had hoped that our State-wide SVDOB certification would open discussions and distinguish us from others. We have been told, however, "there is no requirement, so we don't really look at Service- Disabled Veteran Owned Businesses". This really hurt to hear but we know the reality of procurement processes.

Org-ology does organizational development. We do highly complex work with large global corporations headquartered in New York City and have worked extensively with federal agencies ranging across the United States Treasury, Federal Law Enforcement, and Federal Aviation Administration etc. to Foreign Governments (recently the Iraqi central government). As committed members of the New York City community it frustrates us to see agencies like the NYPD and the MTA struggle with challenges that we have fixed on the federal level or for commercial clients—and not be able to get our foot in the door.

As a psychologist I can speak to what makes Veteran-owned businesses unique. Those who serve in the armed forces are people who are passionate about being part of a team and a mission. This type of commitment brings something unique to the New York small business community.

We suggest that Service- Disabled Veteran Owned Businesses will bring a unique value that can well outweigh the challenges of creating a set-aside or specific requirement. Service- Disabled Veteran Owned Businesses are more likely to hire veterans and train and develop them than non-veteran owned businesses. There are always challenges in changing requirements for agencies to follow but often holding them accountable to meet specific requirements will lead to better outcomes.

We know there is no quick fix to this issue but there are steps that can be taken to ensure the process begins.

1. Place the list of Service- Disabled Veteran Owned Businesses as certified by New York State Office of General Services in the hands of procurement professionals and decision makers.
2. Study, define and implement a pilot program either defined by specific set of NAICS codes or a specific group of larger spending City agencies to implement with oversight to ensure validity of results.
3. Ensure that the City builds and defines a short and long-term plan to address the needs of Service- Disabled Veteran Owned Businesses, Veteran owned businesses and other under represented groups.
4. Ensure that any contract awarded over a set dollar amount that has a sub-contracting requirement as the MWBE program has also includes a Service- Disabled Veteran Owned Business requirement.
5. Set and educate procurement professionals and decision makers about a defined discretionary purchasing authority options with Service- Disabled Veteran Owned Business.

We encourage the members of this committee to continue to engage with this community of professionals and continue to bring New York City to the forefront of Service- Disabled Veteran Owned Business use.

Thank you for your time and professionalism on this very important subject.



Comments of Denise Richardson, Executive Director
The General Contractors Association of New York
Committee on Contracts Hearing
Oversight Hearing

Examining Existing Supports and Needs of Underrepresented Business
Owners in City Procurements

November 29, 2017

Thank you Chair Rosenthal and members of the Contracts Committee for the opportunity to submit comments in connection with the Committee's Oversight Hearing on the Needs of Underrepresented Business Owners in City Procurements.

While the City has established procurement training, general business assistance and a generous loan program for eligible vendors, no meaningful action has been taken on the very things that are directly within the City's control. If the City is truly serious about furthering opportunities for businesses of all demographics, it must conduct a thorough review of both the City's contract provisions and its contract administrative procedures.

There are many reasons that impact a firm's ability to do business with the City, and they start with the onerous contract terms and the City's bureaucracy. No company can afford to stay in business if their clients take months to pay them, or worse, a year or more to resolve a change order while directing the firm to perform the work at their risk. No company can afford to stay in business when they must tap their own capital to cover the cost of the work they perform while they wait for the City to pay them. No company can stay in business when the payment they thought they were going to receive is reduced by unexplained 'audit findings.' Few businesses will choose to bid on a contract that requires them to have sufficient insurance to guard against being sued by any party working on the project. Few businesses will choose to bid on projects with provisions that do not permit them to recover damages for contractual delays caused by the City, even though these damages could amount to thousands of dollars. And yet, each one of these issues is faced every day by a vendor doing business with the City.

Other factors that impact the ability to do business with the City include strict notice provisions that could result in an unsophisticated contractor losing their right to a claim because of failure to meet the detailed notice provisions even though the City had actual knowledge of the disputed item. Additional reporting requirements passed at all levels of government also impact

a small company's ability to do business with the City because of the lack of administrative staff to manage the volumes of public procurement paperwork requirements.

Bonding and insurance requirements can impact a firm's ability to bid on City procurements. Rather than waiving bonding the City should establish a micro bonding program for small businesses that help firms obtain bonding at a small dollar threshold. This will help small firms gain the financial acumen and credit history to grow their business.

Identifying upcoming procurement opportunities can also be a challenge. The City could post on the MOCS website a current list of upcoming bid opportunities rather than directing interested bidders to *The City Record* or to each individual agency's website, some of which are more current and easier to search than others. The City could also identify areas of work within City procurements that are typically subcontracted to help firms more easily identify procurement opportunities.

All of these issues are directly within the City's control, but none of them are being addressed. Rather than focusing time and attention on the external issues associated with business development, it is time for the City to address the internal issues that make it an undesirable client for businesses of all types.

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

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Name: Michael Awh, Director

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I represent: MOCs

Address: _____

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Name: Jannel Davis, Senior Advisor

Address: _____

I represent: Mayor's Office of NYBE

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I represent: SBS

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Name: Manuel RODRIGUEZ

Address: 3 WEST FARMS SQ PLZ APT #20C

I represent: NYC VETERAN ALLIANCE

Address: _____

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Name: Rob Piechota

Address: 25 Chapel ST Brooklyn

I represent: Small Business Development Center

Address: 25 Chapel ST 11th Floor Brooklyn, NY 11201

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 in favor in opposition

Date: 11/29/17

(PLEASE PRINT)

Name: Corey Orleng

Address: P.O. Box 532, NY NY 10159

I represent: NYC Veterans Alliance

Address: _____



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in favor in opposition

Date: 11/29/17

(PLEASE PRINT)

Name: Jonathan Oberholzter

Address: 278 West 74th St Apt 1A NYC, NY

I represent: NYCC Central Labor Council, AFL-CIO

Address: 3285 15th St NW Washington, DC 20005

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in favor in opposition

Date: 11/29/17

(PLEASE PRINT)

Name: Boenit Oberholzter

Address: 120 E 73rd St Apt 1D NYC, NY

I represent: Orthodoxy in Action

Address: 540 E 73rd St

Please complete this card and return to the Sergeant-at-Arms