

MWBE CERTIFICATION CHECKLIST: Preparing to Begin the NYS MWBE Certification Application



Division of Minority
and Women's
Business Development

About the Division of Minority and Women's Business Development ("DMWBD")

New York State Executive Law Article 15-A §§ 310-317 ("Article 15-A") governs requirements for the participation of minority and women-owned business enterprises ("MWBEs") in New York State contracting. The objective of Article 15-A is to promote equality of economic opportunities for MWBEs by eliminating barriers to their participation in New York State contracting.

The DMWBD's mission is to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting. The DMWBD supports New York State's leaders with information and resources that increase access to opportunities for minority and women-owned business enterprises throughout the State.

About the NYS MWBE Certification Application

The Division of Minority and Women's Business Development (DMWBD) is tasked with reviewing applications by businesses seeking certification as a Minority or Women-owned Businesses (MWBE). The DMWBD verifies that each firm is owned, operated, and controlled by a minority and/or woman owner. The application process and the documents requested to complete the application are necessary for this verification.

The information below includes recommendations and checklists for NYS MWBE Certification applicants. However, this list is not all encompassing of the needs and requirements to complete the application and analysis. Additional information can be found on the MWBE website: esd.ny.gov/MWBE.html

Document Checklist for all Applicants

The Checklist below includes some of the documents applicants need during the MWBE application process. Gathering these documents prior to beginning the application will speed up completing the process. The documents are used to verify all MWBE certification eligibility requirements, including ownership, operations, control, independence, and personal net worth (PNW), among others. The application has a complete list of all documents required.

Documents required from all applicants include but are not limited to:

- **Proof of citizenship and gender:** Birth records, U.S. Passports, Military Records, Green Cards.
- **Proof of capital contributions:** Cancelled checks or bank statements, purchase agreements, proof of equipment purchases.
- **Proof of business activity in NYS:** Current contracts, bids, invoices and proof of payments from clients and work in the NYS.
- **Personal and Business Taxes:** Complete copies of the most recent personal and business taxes.
- **Business Documents:** Loans and credit agreements, leases; supply agreements.
- **Professional Background:** Owner's Resumes(s), licenses, permits, certifications.

TIPS WHEN BEGINNING A NYS MWBE CERTIFICATION APPLICATION

1. Take advantage of local technical assistance providers for one-on-one assistance:
 - a. Entrepreneurial Assistance Centers:
<https://esd.ny.gov/businessprograms/eap.html>
 - b. Small Business Development Centers:
<http://nyssbdc.org/>
 - c. Procurement Technical Assistance Centers:
<http://www.aptac-us.org/>
2. Attend MWBE outreach events, including the **NYS MWBE Forum**, **NYS MWBE Regional Expos**, and **NYS MWBE Boot Camp Sessions**. Periodically visit <https://esd.ny.gov/mwbe.html> for more information.
3. Collect as much information and documents prior to beginning the MWBE Certification application. Keep in mind that additional information may be required.

Document Checklist for Sole Proprietors, Limited Liability Corporations (LLCs), and Corporations

Along with the documents all applicants must submit, including the documents listed above, there are additional documents needed for specific business types. These include, but are not limited to:

Sole-Proprietorships	LLCs	Corporations
<ul style="list-style-type: none"> • Business Certificate from the County Clerk 	<ul style="list-style-type: none"> • Articles of Organization • Operating Agreement • Application for Authority (out-of-state firms only) 	<ul style="list-style-type: none"> • Certificate of Incorporation • Corporate By-Laws • Application of Authority (out-of-state firms only)

Document Checklist for “Fast Track” Applicants

The DMWBD offers an accelerated NYS MWBE application for firms certified by a **Fast Track Partner Agency**. Visit esd.ny.gov/MWBE.html for additional information on this option.

All firms that qualify for a Fast Track application ***must*** submit the following:

- Copy of application submitted to the Fast Track Partner.
- Copy of the certification letter or certificate from the Fast Track Partner.
- Signed and notarized DMWBD Certification Application Affidavit, found in the DMWBD application.
- Personal Net Work Affidavits (Attachments A, all applicants, and B, if necessary), found in the DMWBD application.

***NOTE** - *Out of state firms are not eligible for Fast Track Applications*

NYS FAST TRACK PARTNERS:

- Joint Certification Committee of Erie County and City of Buffalo
- New York City Small Business Services
- NY & NJ Minority Supplier Development Council
- The Women President’s Educational Organization – New York Chapter only
- Port Authority of NY / NJ (MWBE Certified Firms Only)

ONE STOP ADDENDUM PARTNERS:

Qualifying new applicants can simultaneously submit up to three One Stop Addenda with the fully completed NYS MWBE certification application to the DMWBD. Addenda are available for the following MWBE Programs:

- Port Authority of New York / New Jersey
- New York City Small Business Services
- Joint Certification Committee of Erie County and City of Buffalo

In addition to the documents above, firms using DBE or Federal 8(a) Program “Fast Track” Application option must also provide the following documents when submitting a MWBE application to NYS:

Disadvantaged Business Enterprise (DBE) Firms:

- Signed New York State DBE Certified Release of Information Form.

Federal 8(a) Business Development Program Firms:

- Copy of letter showing the firm is currently part of the 8(a) Program.

Have Questions?

MWBE Hotline: (212) 803-2414

Email: MWBEcertification@esd.ny.gov

Website: esd.ny.gov/MWBE.html



Applying for NYS MWBE Certification - Required Documentation

Certification Affidavit

- Download from the application

Personal Net Worth Affidavit, Attachment A

- Download from the application

Personal New Worth Affidavit, Attachment B

- Download from the application

Proof of Minority Status, Ethnicity Attestation

- Download from the application

Proof of Citizenship and Gender

- U.S. Birth records, U.S. Passport, Military Records, Green Cards, etc.

Proof of Capital Contributions

- Cancelled checks, bank statements, purchase agreements, proof of equipment purchases, etc.

Proof of Business Activity in NYS

- Current contracts, bids, invoices, and proof of payments for work in the NYS, Tax returns

Personal and Business Taxes

- Complete copies of the (3) most recent years of personal and business taxes.

Professional Background

- Owner's Resumes(s), licenses, permits, certifications.

Membership/Stock Ledger or narrative

- This describes the date of ownership

All W-2s and W-3s issued by the business

- The most recent 2 years.

Articles of Organization & filing receipt or Articles of Incorporation & filing receipt

- Filed with the state of Organization

Application for Authority and filing receipt

- Applicable for businesses organized outside of NYS.

Certificate of Assumed Name & filing receipt

Operating Agreement / Partnership Agreement / Bylaws

- Governing Document of the business
- Operating/Partnership Agreements must be signed
- Original document and all amendments/ restatements should be provided.

Meeting Minutes

- First meetings of the members and managers,
- Ownership or potential ownership transfers
- Change in Officers, Board Members, Members.

Current Lease of Deed

- Must be signed by all parties for each property the applicant business owns, leases, and/or conducts business from

Bank signature card or Bank letter

- Identifies all authorized signatories, their level of authority, and any restrictions.

Third Party Agreements

- Master service agreements, non-compete agreements, contract labor agreements, rental agreements, purchase agreements, etc.

Other Agreements

- Buy-out rights, Purchase of the business interests, Value of business interest, Member/ Manager voting rights, Member/ Manager rights, Ownership options, Etc.

Subcontracts and Proof of Payment

- Copies of all subcontracts
- Proof of Payment

Contracts and Proof of Payment

- (3) Recent signed contracts labeled with the NAICS codes corresponding to the scope of work
- Proof of Payment in the form of copies of deposited checks or EFTS.
- Proof of the deposit to the business bank account.

Proof of the applicant business is actively conducting business in New York State

- New York State tax returns, signed contracts for work in New York State, submissions to Requests for Proposals (RFPs), advertisements, etc.

Proof of Significant Business Presence in New York State

- Payroll in New York State (NYS-45); New York State Taxes or proof of purchasing products or materials made, assembled, manufactured, or incorporated into other products or materials in New York State by providing a receipt or other documentation showing the purchase