



# JACK SCHNIRMAN

## Nassau County Comptroller

### A Message About Equity Gaps and MWBEs/SDVOBs

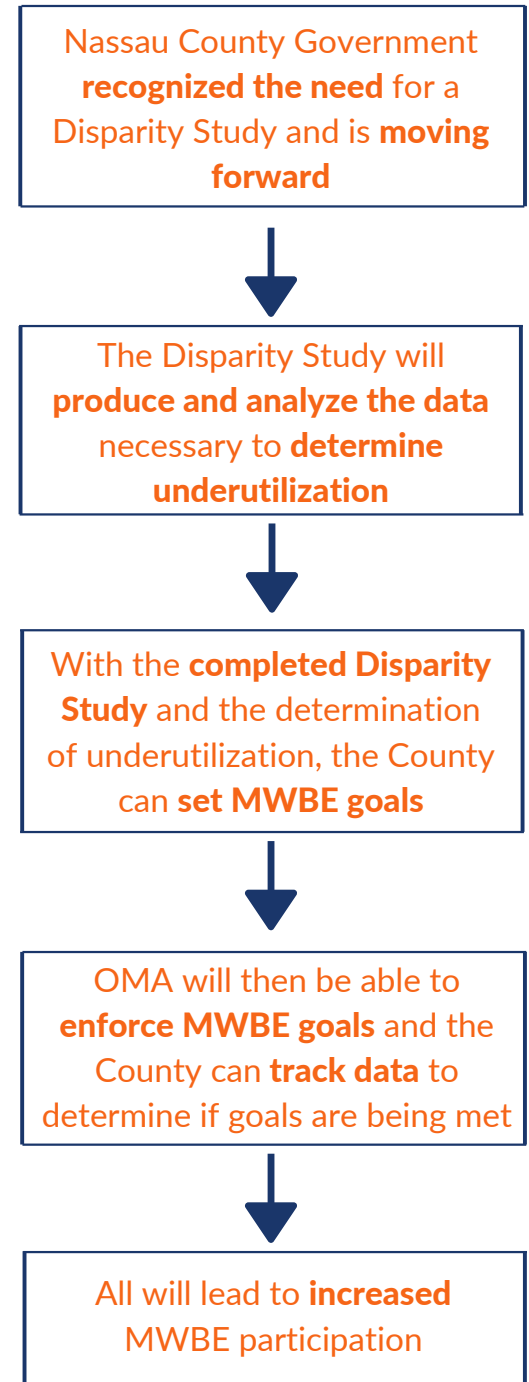
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The onset of COVID-19 has upended day-to-day life for all of us, causing not only a public health crisis but a crushing blow to our economy. Included with the new challenges from the pandemic, the death of George Floyd refocused our national attention on the critical need to close equity gaps in our society.

As government works to persevere through these crises and prepare for recovery in their aftermath, the Comptroller's Office will not merely seek a return to business as usual, but a return to the business of reforming County government. The Comptroller's Office believes that a part of reforming the County's contracting and procurement process involves increasing participation of Minority and Women-Owned Business Enterprises (MWBEs) and Service Disabled Veteran Owned Businesses (SDVOBs) so that we can diversify and increase the number of vendors that do business with the County.

The County purchases a wide variety of goods and services across a number of sectors including various retail trades, manufacturing, food services, professional services, medical services and pharmaceuticals, real estate, information technology, utilities, waste management, education, and social & health services, among others. This means, for example, everything from entire new buildings to nuts and bolts, from major road projects to filling potholes, from parks projects to trimming trees.

### A Path Forward



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In 2002, the County adopted Local Law 14-2002 (Title 53 of the Nassau County Administrative Code) to promote greater participation by MWBEs. In 2016, the County adopted Local Law 2-2016 (Title 82 to the Miscellaneous Laws of Nassau County) to assist SDVOBs to play a greater role in the Nassau County economy.

While the passage of these statutes was a step toward leveling the playing field for MWBE's and SDVOB's, since 2018, the County has taken a number of steps to effectuate the goals of these statutes to achieve increased participation:

- Eliminating a registration fee to participate in solicitation; more than 2,400 vendors have registered since the fee was eliminated in January 1, 2019, including: 644 Minority and Women-Owned Business Enterprises, and 41 Service Disabled Veteran-Owned Businesses;
- Ensuring that the Office of Minority Affairs (OMA) is notified of formal competitive solicitations thirty (30) days prior to any advertisement;
- Adding the ability for the County to track vendors' efforts to increase MWBE/SDVOB participation during the bidding process;
- Utilization of a short form application for those vendors who are currently certified with New York State and other designated comparable jurisdictions; and
- Working to complete an updated Disparity Study (it is expected that a Vendor will be selected shortly).

The Comptroller's Office is committed to analyzing available empirical data to inform stakeholders on a wide variety of issues. The availability of data is key to reform. The Disparity Study will clearly and concisely outline the data that informs our decision-makers of next steps and allows the County to set MWBE/SDVOB goals. Only with this evidence of underutilization can the County set participation goals.

The Comptroller's Office looks forward to the completion of the Disparity Study so that the County's Office of Minority Affairs (OMA) can set MWBE goals and implement these goals in the solicitation process - see the attached chart entitled "Implementing Nassau's MWBE Program." The Comptroller's Office stands ready to track, review, and analyze data to substantiate MWBE/SDVOB participation, so that the public can be informed in a transparent manner as to waivers granted and contracts awarded ensuring that the County is meeting such goals. We encourage the creation of an informative platform that would achieve this transparency.

In early 2018, the Comptroller's Office revitalized a dedicated MWBE Steering Committee comprised of minority and women local business leaders. This committee was created with the specific intent of hearing firsthand the issues that MWBEs face in Nassau County.

In addition, as part of our reform-minded efforts, this year, the Comptroller's Office put forth a contract which set actual contractual goals (not best good faith efforts) for MWBE participation. This contract was approved, setting forth a model which other departments could use to improve MWBE participation with County government. But there is still more work yet ahead.

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# Next Steps Forward

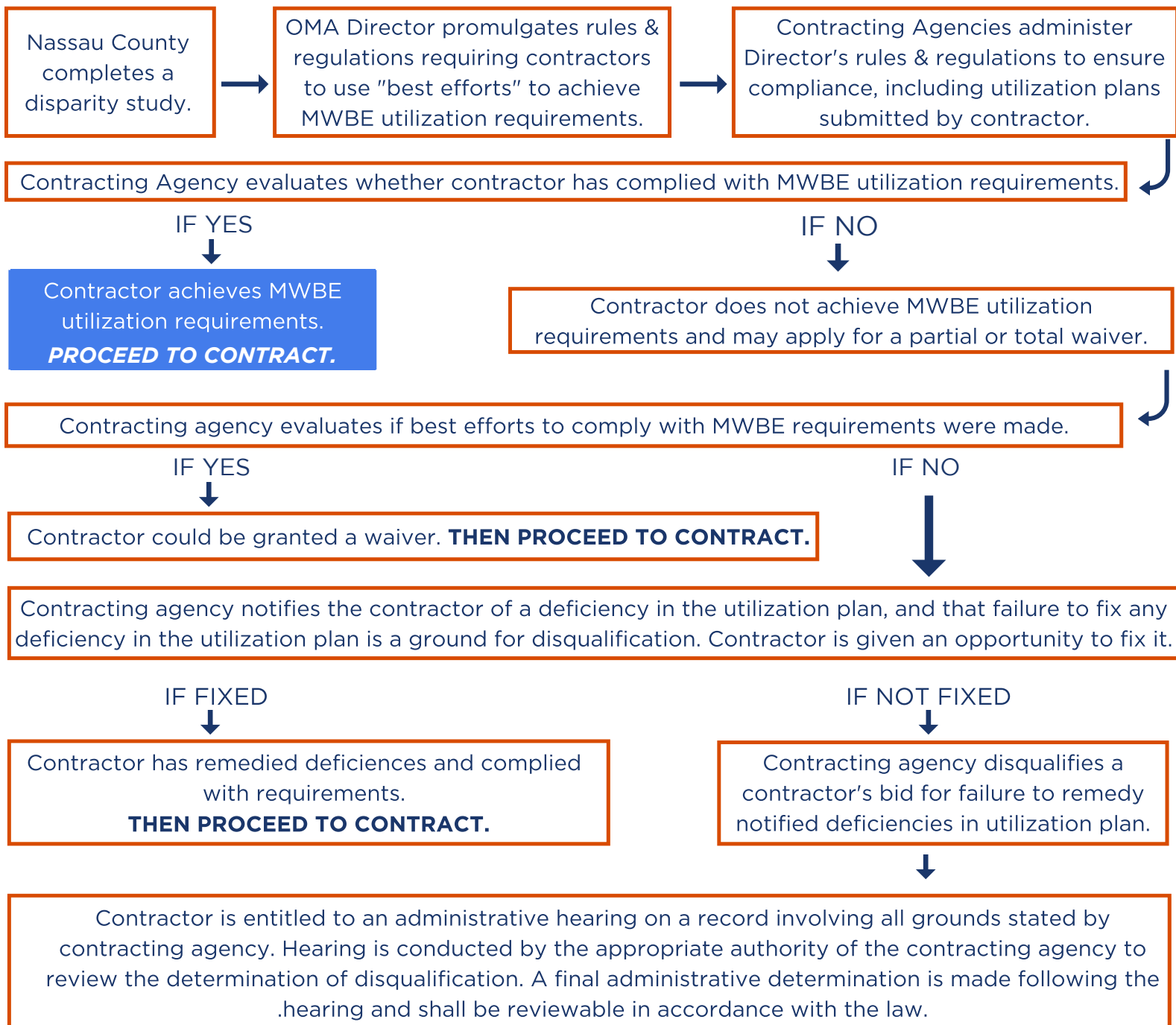
- ▶ Completion of the Disparity Study;
  - ▶ Centralization of Compliance Monitoring; such as the additional centralized oversight that has been put in place to ensure OMA is notified of solicitations. The County would benefit from the centralization of the monitoring of compliance with MWBE/SDVOB requirements to ensure uniformity in all procurements by all departments. This can be accomplished by establishing written compliance procedures; for example those concerning waiver requests. Centralization would also assist in uniform data collection to monitor compliance;
  - ▶ Leverage new platforms such as the Vendor Portal to collect data from vendors regarding compliance, inform stakeholder and increase transparency (such as publishing information concerning waivers granted or denied); and
  - ▶ Establish a system and a platform for reciprocity, to allow easy MWBE/SDVOB certification across multiple jurisdictions.
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# Implementing Nassau's MWBE Program

In 2002, the Nassau County Legislature adopted Local Law 14-2002 (Title 53) in order to promote participation by MWBEs in Nassau County contracts. It applies to:

1. All contracts and purchase orders in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair, or renovation of real property and improvements
2. Other procurement of goods and services in excess of \$25,000
3. All subcontracts provided they fall within category 1 or 2 referenced above

## To Fully Comply With the Law, The Following Process Must Happen:



# Helpful Links

- ▶ **Vendor Portal** - [nassaucountyny.gov/4770/Vendor-Portal](https://nassaucountyny.gov/4770/Vendor-Portal)
  - ▶ **Open Checkbook** - [opencheckbook.nassaucountyny.gov](https://opencheckbook.nassaucountyny.gov)
  - ▶ **This is Nassau: Black Economic Equity 2020 Update** - [nassaucountyny.gov/DocumentCenter/View/28555/This-is-Nassau-Black-Economic-Equity-2020-Update](https://nassaucountyny.gov/DocumentCenter/View/28555/This-is-Nassau-Black-Economic-Equity-2020-Update)
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## Procurement Websites

- ▶ **Nassau County Department of Purchasing** - [apps.nassaucountyny.gov/eProc/index.php](https://apps.nassaucountyny.gov/eProc/index.php)
  - ▶ **Nassau County Department of Public Works** - [nassaucountyny.gov/3928/Current-Bidders-Lists](https://nassaucountyny.gov/3928/Current-Bidders-Lists)
  - ▶ **Nassau County Community College** - [ncc.edu/aboutncc/ourpeople/administration/procurement/default.aspx](https://ncc.edu/aboutncc/ourpeople/administration/procurement/default.aspx)
  - ▶ **Nassau Health Care Corporation** - [numc.edu/about/doing-business-with-nuhealth/](https://numc.edu/about/doing-business-with-nuhealth/)
  - ▶ **Recent Bid Results** - [nassaucountyny.gov/2488/Recent-Bid-Results](https://nassaucountyny.gov/2488/Recent-Bid-Results)
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