

## SUPPLIER DIVERSITY PROGRAMS: FREQUENTLY ASKED QUESTIONS (FAQ)

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### Q1. What are Supplier Diversity Programs

- A. RGRTA collectively refers to the Minority/Women Owned Business Enterprise (MWBE), Disadvantaged Business Enterprise (DBE), and Service Disabled Veteran Owned Business (SDVOB) programs as Supplier Diversity Programs.

### Q2. Who is a Prime Vendor?

- A. A Prime Vendor is the firm submitting the response to the Event and will be responsible to ensure subcontractors are performing.

### Q3. Who is a Subcontractor?

- A. A subcontractor is a firm that has been engaged by the Prime Vendor to assist in performing under the requirements of the contract.

### Q4. Who is considered a certified firm?

- A. A certified firm is a Prime Vendor or a Subcontractor included in one of the three Directories below. Certifications from other governments are not recognized.

- **DBE Directory:** [NYSUCP \(newnycontracts.com\)](https://www.nysucp.com/newnycontracts.com)
- **MWBE Directory:** <https://ny.newnycontracts.com/>
- **SDVOB Directory:** [Office of General Services \(ny.gov\)](https://www.ny.gov/office-of-general-services)

### Q5. What assistance does RGRTA provide Vendors to locate certified firms for subcontracting?

- A. RGRTA hosts pre-bid/proposal meetings, publicly displays firms who added themselves to the Event's Plan Holders List and may provide a list of firms that were notified of the Event (note: this list should not be considered an all-inclusive listing of certified firms). Vendors are ultimately responsible for using these resources to identify subcontractors that will be a good fit.

### Q6. My firm can complete the Scope of Work. Do I still need to use a subcontractor?

- A. Yes, a Prime Vendor's ability to perform the entire Scope of Work is not justification for not utilizing certified subcontractors nor is it an acceptable justification for obtaining a waiver.

### Q7. If the Prime Vendor is certified, does it still need to meet the other program goals?

- A. All goals assessed on an Event must be met regardless of the Prime Vendor's certification status. For example, an MWBE prime still needs a SDVOB subcontractor and vice versa.

### Q7. How are the Supplier Diversity Goals calculated?

- A. The value of the goal is the percentage goal multiplied by the value of the Prime Vendor's submitted response. Any change orders issued on the contract will be assessed for Supplier Diversity Goal requirements at the time they are issued.

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**Q8. Should “Estimated Value” be provided in a dollar amount or as a percentage?**

- A. When providing the “Estimated Value” for a subcontractor, if their utilization costs are known then a dollar amount should be provided. In cases where the overall contract value is unknown at the time of submission, the utilization percentage can be used.

**Q9. What if I am unable to meet the goals assessed on the Event?**

- A. Vendor may request a waiver only if they can document good faith efforts to meet the goal. If Vendors can only partially meet the goal, a waiver must be requested for the unmet portion of the goal.

**Q10. What are Good-Faith Efforts (GFE)?**

- A. Good-Faith Efforts (GFE) are actions taken by a Prime Vendor to demonstrate their efforts to find certified subcontractors in order to meet the goal(s) on an event. The following constitute GFE:
- i) Vendor has considered all possible subcontracting opportunities. Areas not being considered for subcontracting should be explained, such as no available certified firms for a NAICS Code or Business Description.
  - ii) Vendor has reached out to a reasonable number of potential subcontractors; generally, a minimum of five (5) firms in each potential area of subcontracting.
    - (1) Additional outreach to potential subcontractors must be made if more than 25 potential subcontractors are available in a subcontracting area.
    - (2) RGRTA strongly encourages Vendors to send emails to all firms identified in each subcontracting area and notifying them of a potential subcontracting opportunity.
  - iii) Vendor has made at least two contact attempts to each firm; one email and one phone at least 48 hours apart. The second contact attempt should be made more than 48 hours before the Event closes to allow adequate time for the certified firm to respond and provide a price proposal for the requested work.

**Q11. Who approves the waiver request?**

- A. DBE and SDVOB waiver requests are approved by RGRTA. MWBE waiver requests are approved by the Executive Chamber of New York State. All requests for waivers are held to the same standard.

**Q12. Do I have to accept pricing from a certified subcontractor regardless of the amount offered?**

- A. If the certified firm submits pricing substantially higher than pricing from a non-certified firm and refuses to subsequently offer a more competitive price, then the pricing does not have to be accepted.
- i) “Substantially” higher pricing generally means 20% or more but can vary by industry. Note: RGRTA reserves the right to require the Vendor to use the certified subcontractor rather than the less expensive non-certified subcontractor if doing so would not have changed the award outcome.