Empire State Development

DIVISION of MINORITY and WOMEN'S BUSINESS DEVELOPMENT

How To Become A Certified Minority / Women Business Enterprise in New York State

For further information and/or applications please call or write:

New York State Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl Street
Albany, New York 12245
(518) 292-5250

New York State Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
(212) 803-2414

Why Get Certified?

The minority and women-owned business program is designed to assist the growth and development of businesses owned and controlled by women and minority groups. An important activity of the program is to increase the participation of those businesses in the procurement activities of New York State.

New York State Certification affords your business the opportunity to be listed in a statewide Directory of Certified Minority and Women-Owned Business Enterprises used by state agencies and contractors. Because state government has been mandated by the Governor and the Legislature to provide greater opportunity for participation by Minority and Women's Business Enterprises (M / WBEs) in state contracting, certification gives business owners an advantage when marketing goods and/or services to state agencies and authorities. The agencies and most of the prime contractors who do business with the state as well as many other corporations use the directory. Certification also allows a business the advantage of accessing a variety of loan and bonding programs as well as programs that provide technical assistance. These programs were specifically developed for historically under-utilized businesses that participate in the M / WBE program. Certification is your ticket to access.

Who Certifies?

The Governor's Office of Minority and Women's Business Development was created by Article 15-A of the Executive Law in July of 1988. This legislation provides a statutorily based program for better integrating M / WBEs into the state's procurement activities. In 1992, Article 4-A of the Economic Development Law incorporated the Office into the Department of Economic Development as a division.

Among other functions, The Division of Minority and Women's Business Development is responsible for implementing a uniform, statewide certification program.

Who Is Eligible For Certification?

An on-going independent business owned, operated and controlled by minority group members and/or women is eligible. The ownership interest must be real, substantial and continuing. The ownership interest must have and exercise the authority to independently control the business decisions of the enterprise. Generally, the business should have been in operation for at least one year.

Minority Business Enterprise (MBE)

A business enterprise in which at least fifty-one percent (51%) is owned by citizens or permanent resident aliens who are:

- Black persons having origins in any of the Black African racial groups;
- Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race;
- Asian and Pacific Islander persons having origins in any of the Far East countries, Southeast Asia, the Indian subcontinent or the Pacific Islands; or
- Native American or Alaskan Native persons having origins in any of the original peoples of North America.

Women-Owned Business Enterprises (WBE)

Fifty-One percent (51%) owned by citizens or permanent resident aliens who are women.

How the Certification Process Works

- You request an application from our Albany or New York City Office (address on front). Complete it and return it to us. If you need help completing the application, please call our New York City office at (212) 803-2414, or our Albany office at (518) 292-5250.
- Upon receipt of the completed application the process of verification of the information on the application begins. We may ask you for clarification or for additional information.
- An interview is conducted by a member of our certification staff at your place of business and/or by phone.

- An analysis of your application, documents and the interview is made and a determination to grant or withhold MBE or WBE status is made.
- Your firm is notified of the decision: Certified, Denied or Rejected.
- If your firm is denied, you are afforded the opportunity to appeal the decision to an Administrative Law Judge.
- If your firm is rejected it generally means we are unable to process your application due to missing information.

Out of State Businesses

Out-of-state businesses may apply for New York State certification by writing for an application to our Albany or New York City Office (address on the front). Additional information required to complete the application may vary depending upon your state of residence. You should be certified in your home state, if a similar process exists, before applying to New York State.

Out-of-state corporations must have authority to do business in New York State from the Department of State, Division of Corporations (518) 473-2492.

After Certification

All certified companies are listed in the state's official Directory of Certified Minority and Women-Owned Business Enterprises. The directory is used by all state agencies and authorities as the primary source for identifying bona fide MBEs & WBEs for participation in State procurement. It is also used by most of the state's prime contractors and many corporations. The directory is available to the public and is accessible via Empire State Development's website at http://www.nylovesbiz.com/Small_and_Growing_Businesses/mwbe.asp. Upon certification you will also receive further information about doing business with New York State to assist you in marketing your business to agencies.

What Happens if Your Application is Denied?

You may appeal the denial decision by notifying the Division of Minority and Women's Business Development in writing within thirty (30) days of receipt of the denial letter.

When your notice of appeal is received, an Administrative Law Judge will schedule and conduct a hearing. After the hearing he/she will make a recommendation to the Director.

The Director will issue a final order as the last step of the appeal process.

Article 15-A gives you the right to pursue an Article 78 proceeding in a court of law if you continue to disagree with the findings of the Division.

Definitions for Certification

1. **Applicant.** A business enterprise which has applied for certification as a minority and/or women-owned business enterprise.

2. **Business Enterprise.** Any entity, including a sole proprietorship, partnership or corporation which is authorized to and is engaged in lawful business transactions in accordance with New York State Law.

3. **Certified Business.** A business enterprise which has been approved by this Division for minority-owned business enterprise or women-owned business enterprise status subsequent to verification that the business is owned, operated, and controlled by minorities and/or women.

4. **Directory.** The directory of certified businesses prepared by the Director for use by state agencies and contractors to comply with the provisions of Executive Law, Article 15-A.

5. **Administrative Law Judge.** An individual who has been designated by the Director to hear appeals of decision denying or revoking certifications.