

NOTICE OF ADOPTION OF RULE

Pursuant to the authority vested in the Procurement Policy Board by Section 311 of the New York City Charter (“Charter”) and in accordance with the requirements of Section 1043 of said Charter, the Procurement Policy Board has adopted amendments to Chapter 1 of Title 9 of the Rules of the City of New York. The amendments were published in the City Record on August 14, 2015, and a public hearing was held on September 14, 2015. The amendments were adopted by the Procurement Policy Board on October 21, 2015. This rule will go into effect on March 1, 2016.

STATEMENT OF BASIS AND PURPOSE OF RULE

New York City’s Minority-and Women-Owned Business Enterprise (M/WBE) program was established to enhance the ability of M/WBEs to compete for city contracts, to enhance city agencies' awareness of such business enterprises, and to ensure their meaningful participation in city procurement. The City’s M/WBE Program was signed into law by New York City Local Law 129 of 2005, and was later expanded by New York City Local Law 1 of 2013 (Local Law 1). PPB has amended Chapter 1 of Title 9 of the Rules of the City of New York to clarify the definition of an M/WBE as per Local Law 1. This clarification will avoid any confusion about other similar certifications for M/WBE’s.

The authority for PPB to promulgate these rules is found in sections 311 and 1043 of the New York City Charter.

The Rule Amendments

New material is underlined and deletions are [bracketed].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this board, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The definition of “M/WBE”, appearing alphabetically in Subdivision (e) of Section 1-01 of Chapter 1 of Title 9 of the Rules of the City of New York, is amended to read as follows:

M/WBE. [Minority and Women’s Business Enterprise;] An acronym that stands for Minority and Women Owned Business Enterprise. [a] A business [concern] enterprise authorized to do business in the State that has been certified by the program established pursuant to §1304 of the New York City Charter, including sole proprietorships, partnerships, and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens who are [(a)] either minority group members or [(b)] women, (ii) the ownership interest of such person is real, substantial, and continuing, and (iii) such persons have and exercise the authority to control independently the day-to-day business decisions of the enterprise.

§ 2. This rule takes effect on March 1, 2016.