



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 34

August 8, 2023

IMPROVING CITY-WIDE M/WBE CONTRACTING RESULTS

WHEREAS, there is increasing national awareness that minority and women owned business enterprises ("M/WBEs") continue to be underrepresented in the successful business community; and

WHEREAS, studies by the National Bureau of Economic Research and other institutions suggest that the economic and health effects of COVID-19 have had a persistent disproportionately negative impact on M/WBEs; and

WHEREAS, studies undertaken by the City demonstrate an underutilization of M/WBEs in the market where the City conducts its procurements; and

WHEREAS Executive Order No. 26, dated February 16, 2023, created, and empowered the position of citywide Chief Business Diversity Officer ("CBDO"); and

WHEREAS, the City has established and implemented procedures to secure meaningful M/WBE participation and is committed to making New York City a more equitable and inclusive business environment for all vendors, including M/WBEs, to operate; and

WHEREAS, the CBDO has recommended the implementation of additional measures to achieve such goals;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. In consultation with the CBDO, each mayoral agency, as such term is defined in section 3301 of the New York City Charter, shall appoint an Agency Chief Contracting Diversity Officer who shall report directly to the agency head and consult with the CBDO on matters related to contracting with M/WBEs. Each agency head shall ensure that the Agency Chief Contracting Diversity Officer has the appropriate experience and is empowered to facilitate the agency meeting its M/WBE utilization goals.

§ 2. Agency Chief Contracting Officers ("ACCOs") shall consult with the CBDO on matters related to contracting with M/WBEs. Such consultation shall be in a manner to be

determined and communicated by joint directive from the City Chief Procurement Officer ("CCPO") and CBDO.

§ 3. Each mayoral agency shall assess and reevaluate the M/WBE participation goals included in each existing contract approaching renewal in light of the factors set forth in paragraph 1 of subdivision i of section 6-129 of the Administrative Code of the City of New York. Based on such assessment, each agency shall consider whether to attempt to negotiate the incorporation of new or adjusted M/WBE participation goals into the terms of such contract. Where the agency elects not to engage in such negotiations or determines that such negotiations were unsuccessful, the agency shall transmit documentation of its determination to the Mayor's Office of Contract Services ("MOCS") and the CBDO in a manner to be determined and communicated by joint directive from the CCPO and CBDO.

§ 4. For capital projects, as such term is defined in section 210 of the New York City Charter, valued at over 25 million dollars, a mayoral agency developing such project shall consider whether it is practicable to de-bundle the project to result in more than one contract specification package for the purpose of creating more equitable procurement opportunities. If the agency decides not to de-bundle such project into smaller contract packages, the agency shall transmit documentation of its determination to MOCS and the CBDO in a manner to be determined and communicated by joint directive from the CCPO and CBDO.

§ 5. Any mayoral agency conducting an emergency purchase pursuant to section 315 of the New York City Charter shall use best efforts to consider at least one quote, bid, or proposal, as applicable, from a business certified as an M/WBE prior to contract award, unless otherwise directed by the CCPO, in a manner to be determined and communicated by joint directive from the CCPO and CBDO.

§ 6. The CCPO and CBDO shall coordinate with New York City Housing Authority, New York City Health and Hospitals Corporation, New York City Economic Development Corporation, New York City School Construction Authority, City School District for the City of New York, Campaign Finance Board, Financial Information Services Agency, Office of Payroll Administration, Office of Collective Bargaining, Office of the Actuary and Office of Food Policy to collect standard M/WBE procurement metrics and data for reporting of OneNYC indicators.

§ 7. Nothing in this Order is intended to create a private cause of action.

§ 8. This Executive Order shall take effect immediately.



Eric Adams
Mayor