

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007
EXECUTIVE ORDER No. 5

OVERSIGHT OF AGENCY COMPLIANCE WITH REQUIREMENTS OF
CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM
PURSUANT TO LOCAL LAW 1 OF 2013

May 29, 2014

WHEREAS, Local Law 1 of 2013, which takes effect on July 1, 2013, strengthens the City's Minority and Women-owned Business Enterprise ("M/WBE") program; and

WHEREAS, Local Law 1 includes heightened oversight and reporting provisions to increase accountability for City agencies' performance; and

WHEREAS, these oversight and reporting provisions require the designation of a Director by the Mayor to exercise various responsibilities;

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

Section 1. Designation of Director; oversight duties. Pursuant to section 6-129(c)(14) of the Administrative Code, the Counsel to the Mayor is hereby designated the "Director" and as of the effective date of Local Law 1 of 2013 shall have all the rights and responsibilities associated with that position. These powers shall include, but not be limited to:

- (a) reviewing, along with the Commissioner of the Department of Small Business Services ("SBS") and the City Chief Procurement Officer ("CCPO"), the quarterly agency compliance reports submitted pursuant to section 6-129(l) of the Administrative Code;
- (b) convening agency M/WBE officers and agency heads to review M/WBE performance;
- (c) addressing performance improvement and non-compliance issues, in coordination with the CCPO and the SBS Commissioner; and
- (d) such other duties as the Mayor may designate.

§ 2. Agency compliance meetings. In accordance with Local Law 1, the Director shall convene M/WBE officers of agencies that have submitted utilization plans pursuant to section 6-129(g) of the Administrative Code to review agency M/WBE performance.

- (a) Meeting frequency. Such meetings will be convened as often as the Director deems necessary, but no less frequently than once per quarter.
- (b) Compliance review: The agenda items for each compliance meeting shall include but not be limited to the following activities:
 - (i) discussion of the results of the agency compliance reports submitted pursuant to section 6-129(l) of the Administrative Code;
 - (ii) as necessary, provision by agency M/WBE officers of detailed information concerning effectuation of their agency's performance improvement plans submitted pursuant to section 6-129(l)(3) of the Administrative Code, and any additional efforts undertaken to meet goals established in their agency's utilization plans;
 - (iii) as necessary, devising of strategic plans to improve performance of those agencies failing to meet their goals; and
 - (iv) sharing by agency M/WBE officers of practices that have yielded successes in increasing M/WBE participation.
- (c) Agency head participation. No less frequently than twice per year, agency heads for those agencies that have submitted utilization plans pursuant to section 6-129(g) shall participate in such compliance meetings.

§ 3. Performance improvement and non-compliance issues.


- (a) Whenever it has been determined that an agency is not making adequate progress toward the goals established in its agency utilization plan, the Director, in coordination with the SBS commissioner and the CCPO, shall act to improve such agency's performance, and may take any such actions as are authorized by Administrative Code section 6-129(m). Such actions include but are not limited to the following:
 - (i) Requiring the agency to submit more frequent reports about its procurement activity;
 - (ii) requiring the agency to notify the Director, the SBS Commissioner, and the CCPO, prior to solicitation of bids or proposals for, and/or prior to award of, contracts in any category where the agency has not made adequate progress toward achieving its utilization goals;
 - (iii) reducing or rescinding contract processing authority delegated pursuant to sections 317 and 318 of the Charter; and
 - (iv) any other action deemed appropriate.

(b) Noncompliance. Whenever the Director, the CCPO, or the SBS Commissioner finds that an agency has failed to comply with its duties under the City's M/WBE program, he or she shall attempt to resolve such noncompliance informally with the agency head. In the event that the agency fails to remedy its noncompliance after such informal efforts, the director and the CCPO shall submit such findings in writing to the Mayor and the Speaker of the Council, and the Mayor shall take appropriate measures to ensure compliance.

§4. Agency cooperation. All agency heads are directed to cooperate fully with the Director in implementing and complying with this Executive Order.

§ 5. Prior Order revoked. Executive Order No. 242 dated February 11, 2013 hereby is revoked.

§ 6. This Order shall take effect immediately.



Bill de Blasio
Mayor