

**Westchester County  
Office of Economic Development  
148 Martine Avenue  
White Plains, NY 10601**

**Minority & Women Owned Business Enterprise  
Pre-Qualification Affidavit Form**

Date: \_\_\_\_\_

Name of Business: \_\_\_\_\_

“Doing Business As” (D/B/A) Name (complete if firm does business under an assumed or trade name that is different from its legal name)

Business Address: \_\_\_\_\_

Federal ID Number or Social Security Number of Owner: \_\_\_\_\_

Mailing Address: (complete if different from business address)  
\_\_\_\_\_

Contact Person: \_\_\_\_\_

Business Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Web Page Address: \_\_\_\_\_

The Firm is applying for registration as: (please refer to Chapter 308 of the Laws of Westchester County to determine the appropriate designation for your company. One or more categories may be designated)

\_\_\_\_\_ Minority-Owned Business Enterprise \_\_\_\_\_ Woman-Owned Business Enterprise

Group Status: Specify your group status and percentage of ownership of the firm. (Chapter 308 of the Laws of Westchester County requires at least fifty-one (51) percent ownership by one (1) or more persons of color or women in order to qualify as an MBE or WBE. Please refer to Chapter 308 of the Laws of Westchester County for definitions.)

Black \_\_\_\_\_% Asian/Pacific Islander \_\_\_\_\_% Asian-Indian \_\_\_\_\_% Woman \_\_\_\_\_%  
Hispanic \_\_\_\_\_% Native American/Alaskan Native \_\_\_\_\_%

Type of Ownership (Check One): Corporation \_\_\_\_\_ Partnership \_\_\_\_\_ Sole Proprietorship \_\_\_\_\_

List the names of current owners, group code\*, and percentage of ownership:  
\_\_\_\_\_  
\_\_\_\_\_

\*Group Code Key (Please refer to Chapter 308 of the Laws of Westchester County for definitions)  
01-Black 03a-Asian/Pacific Islander 04-Native American/Alaskan Native 06-Other (explain) \_\_\_\_\_  
02-Hispanic 03b-Asian-Indian 05-Woman

List the names of directors, officers and managers who participate in the day-to-day management of the firm, their titles, duties and responsibilities and group code:

<u>Names/Titles</u>	<u>Duties /Responsibilities</u>	<u>Group Code</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Nature of Business: Check all that best describes the business operation.  
 Construction-Related     Professional Service     Technical Service     Consumer Service  
 Manufacturer/Supplier     Retail     Other (explain) \_\_\_\_\_

Number of full-time employees: \_\_\_\_\_  
 Number of part-time employees: \_\_\_\_\_  
 (Optional) Annual gross revenue last fiscal year: \$ \_\_\_\_\_  
 (Optional) Net Income of Firm last fiscal year: \$ \_\_\_\_\_  
 (Optional) Net Worth of Firm: \$ \_\_\_\_\_

State any changes that have occurred in ownership and management of the company since the company's inception:

\_\_\_\_\_
\_\_\_\_\_

Are you certified with the State of New York as a minority business enterprise ("MBE") or a women business enterprise ("WBE")?
\_\_\_\_\_ No \_\_\_\_\_ Yes (as an MBE) \_\_\_\_\_ Yes (as a WBE)

If you are certified with the State of New York as an MBE, please specify the minority classifications which apply:

\_\_\_\_\_

Are you certified with the Federal Government as a small disadvantaged business concern?
\_\_\_\_\_ No \_\_\_\_\_ Yes

By signing and submitting this application, I acknowledge individually and on behalf of the applicant business that the applicant and I understand that:

- The applicant has the burden of establishing entitlement of qualification.
• This Application form, any supporting documents, and any other information provided in support of the Application are considered part of the Application. It is recognized and acknowledged that the information contained in this Application is given under oath and that any misrepresentation may be grounds for denial of registration, revocation of registration, not awarding or terminating any contracts which may be awarded the Applicant by the County of Westchester. In addition, the applicant further understands that any misrepresentation made in this Application is subject to both the civil and criminal laws of the State of New York.
• All information and documents submitted along with the Westchester County (MBE/WBE) Registration Affidavit becomes an official public record. As such, the County bears no obligation to return to the applicant any documents submitted in connection with the application.
• The applicant consents to examination of its books, records, and premises and to interviews of its principals, employees, business contacts, creditors and bonding companies for the purpose of determining the applicant's eligibility for the Westchester County MBE/WBE Program.
• The Applicant agrees to provide notice to the Westchester County MBE/WBE Program of any material change in any of the information contained in the original application within 30 days of such change.
• Registration is granted for a one (1) calendar year period. The applicant must register annually. Additionally, registration in the County MBE/WBE Program does not qualify the company for New York State MBE/WBE Certification or the Federal Disadvantaged Business Enterprises Program. The applicant must separately apply for those programs.

Further, applicant declares and affirms that ownership and management of this firm has not changed, except as indicated in the application/affidavit:

(Corporate Seal)

\_\_\_\_\_
Authorized Officer (Please Print)

\_\_\_\_\_
Signature

\_\_\_\_\_
Title

\_\_\_\_\_
Company Name

I do solemnly declare and affirm under penalty of applicable state and federal laws of perjury that the statement(s) furnished herein and the documents herewith are true and correct and that I am authorized, on behalf of the firm to make this affidavit.

\_\_\_\_\_
Signature

\_\_\_\_\_
Title

On this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, before me appeared \_\_\_\_\_ Personally known to me or who has produced \_\_\_\_\_ as identification, who being duly sworn, did execute the foregoing affidavit, and did state that he/she was properly authorized by \_\_\_\_\_ (Name of Firm) to execute the affidavit and did so as a free act and deed.

\_\_\_\_\_
Notary Public (Signature)

\_\_\_\_\_
My Commission Expires

\_\_\_\_\_
Notary Public Seal

## Chapter 308 MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Sec. 308.01. Purpose.

Sec. 308.11. Definitions.

Sec. 308.21. Inclusion of statement of policy in county contracts.

Sec. 308.31. Record-keeping.

Sec. 308.41. List of qualified business enterprises.

Sec. 308.51. Purchasing review.

Sec. 308.61. Technical assistance plan committee.

Sec. 308.01. Purpose.

It is the goal of the County of Westchester to use its best efforts to encourage, promote and increase participation of business enterprises owned and controlled by persons of color or women (MBE/WBE) in contracts and projects funded by all departments of the county and to develop a policy to efficiently and effectively monitor such participation. In recognition of the need to promote the development of business enterprises owned and controlled by persons of color and women to achieve a goal of equal opportunity, the County of Westchester shall as a lawful public and county purpose provide technical and informational assistance to such business enterprises with a particular emphasis on education programs to encourage participation in the contract procurement process.

(Added by L.L. No. 18-1997)

Sec. 308.11. Definitions.

For the purposes of this chapter:

1. Persons of color shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (a) Black persons having origins in any of the Black African racial groups; (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race; (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; (d) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

2. A business enterprise owned and controlled by women or persons of color shall mean a business enterprise including a sole proprietorship, limited liability partnership, partnership, limited liability corporation or corporation that is: (a) at least fifty-one (51) percent owned by one (1) or more persons of color or women; (b) an enterprise in which such ownership by persons of color or women is real, substantial and continuing; (c) an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and (d) an enterprise authorized to do business in this state which is independently owned and operated. In addition, a business enterprise owned and controlled by persons of color or women shall be deemed to include any business enterprise certified as an MBE or WBE pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code of Rules and Regulations subtitle N Part 540 et seq., or as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

(Added by L.L. No. 18-1997)

Sec. 308.21. Inclusion of statement of policy in county contracts.

There shall be a clause inserted into every specification or construction contract let by the county stating the policy of the county to encourage and support significant, meaningful participation by business enterprises owned and controlled by people of color and/or women. To the extent practicable, all advertisements for the receipt of bids or requests for proposals shall reference this chapter and the policy and goals enunciated herein.

(Added by L.L. No. 18-1997)

Sec. 308.31. Record-keeping.

1. Each county department shall keep accurate records relating to the contracting process, including but not limited to, contracts awarded by or on behalf of that department including statistics on the participation of business enterprises owned and operated by persons of color and/or women in such contracts. Such records shall, at a minimum, identify the type and amount of each prime contract as well as whether the business enterprise is owned by women or owned by one or more persons of color who is African American, Hispanic, Asian-American, American-Indian or Alaskan native.

2. Each county department required to file an annual report shall include in such annual report information that identifies the extent and nature of participation by business enterprises owned by persons of color and/or women with respect to contracts awarded by or on behalf of such department. Such annual report shall be filed with the County Executive and the Clerk of the County Board of Legislators.

(Added by L.L. No. 18-1997)

Sec. 308.41. List of qualified business enterprises.

Westchester County shall establish and maintain a list of qualified business enterprises owned and controlled by persons of color and/or women in a manner promulgated by the County Executive. Such list of business enterprises shall identify suppliers and contractors by product, service and capability as appropriate and may contain such other relevant information regarding previous work history with the county or other municipal entities as may be appropriate and available. Such lists shall be disseminated to commissioners of each department on a semi-annual basis or more often as requested in connection with a specific contract or procurement.

(Added by L.L. No. 18-1997)

Sec. 308.51. Purchasing review.

1. The Westchester County Purchasing Agent shall establish a process to monitor and report on the participation of business enterprises owned and controlled by persons of color and/or women in contracts or purchase orders for the purchase of supplies, materials and equipment and services related thereto. In connection therewith, the Purchasing Agent shall file an annual report with the County Executive and the Clerk of the County Board of Legislators indicating the county's progress in the implementation of the goals enunciated in this chapter.

2. In order to carry out the duties as described in subdivision 1. above, the Purchasing Agent shall establish guidelines to monitor and ensure the consistent, equitable and appropriate participation by business enterprises owned and controlled by persons of color and/or women.

(Added by L.L. No. 18-1997)

Sec. 308.61. Technical assistance plan committee.

1. There shall hereby be created a Technical Assistance Plan Committee composed of six members appointed by the County Executive. Such Committee shall include heads of three County departments as well as one African-American, one Hispanic, and one woman, each of whom shall own or control a business enterprise in accordance with section 308.11 2. of this chapter. The members of the committee that are county department heads shall be empowered to designate a duly authorized representative to serve in his or her stead when necessary.

2. The committee shall develop a technical assistance plan targeting business enterprises owned and controlled by persons of color and/or women and reasonably calculated to provide educational, technical and informational assistance regarding public bidding and purchasing and procurement requirements through seminars, pamphlets and informational guides. Such technical assistance plan may also contain, when appropriate, project specific information with respect to specific contracts, projects or improvements on an ongoing basis.

3. The committee shall also recommend specific actions or procedures reasonably calculated to remedy any problems identified as an impediment to the full and meaningful participation by business enterprises owned and controlled by persons of color and/or women.

4. All members of the Technical Assistance Committee shall serve without compensations but shall be entitled to receive all reasonable expenses actually incurred in the performance of their duties.  
(Added by L.L. No. 18-1997)