

NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISE
ANNUAL GOAL PLAN
2008 - 2009

INTRODUCTION

Pursuant to Article 15-A of the New York State Executive Law, the New York State Olympic Regional Development Authority (ORDA or Authority) shall ensure that Certified Minority and Women Owned Business Enterprises (M/WBE's) are provided the opportunity for meaningful participation in the performance of contracts awarded by ORDA.

1. AUTHORITY OVERVIEW

ORDA was created in 1982 to operate, manage and maintain the Olympic venues in and around Lake Placid that were used during the 1980 Winter Olympic Games. These venues include: the Olympic Center and Speed Skating Oval; the Whiteface Mountain Ski Center and Veteran's Memorial Highway; the Mt. Van Hoevenberg Sports Complex, which includes bobsled and luge runs, cross country ski trails, and a biathlon range; the Olympic Ski Jumping complex and the U. S. Olympic Training Center. In 1984, the authority's responsibility expanded to include the management of the Gore Mountain Ski Area in North Creek, New York.

2. POLICY STATEMENT AND GOAL PLAN

In accordance with Article 15A, ORDA has established goals indicated for participation by Certified Minority (1%) and Certified Women Owned (1%) Business Enterprises. The overall goal for the Authority is 1% for all purchases, including construction contracts. These goals are based upon experience and the availability of certified MWBE vendors in the area. Bids are solicited from M/WBE vendors wherever practicable.

Solicitation from M/WBE vendors is and has been part of the Authority's policies and procedures manual, Purchasing Policy, and Procurement Policy.

3. SELF DETERMINATION

The Authority has adopted a Goal Plan, which includes the provisions required to be included by the legislation and the implementing regulations, including separate goals for participation by certified minority and women owned business enterprises, expressed as a percentage of aggregate expenditures, a description of the procedures implemented and actions to be taken to comply with the requirements of Article 15-A in addition to those required by the implementing regulations.

In setting the goals, the Authority reviewed the types and numbers of contracts it had awarded to minority and women-owned businesses in the previous fiscal year, to date in the current fiscal year, and the anticipated availability of minority and women-owned business enterprises in our expected procurement areas during fiscal year 2008-2009.

The Authority will follow the rules and regulations promulgated by the Division of Minority and Women's Business Development of the NYS Department of Economic Development, in conjunction with other State rules and regulations that govern the solicitation and implementation of purchases and contracts.

4. RULES AND REGULATIONS

The Authority does and will follow the rules and regulations as mandated by Article 15A of the New York State Executive Law. There is no legislation specific to the Olympic Authority regarding MWBE participation.

5. BOILERPLATE LANGUAGE

ORDA includes "Standard Clauses For All New York State Contracts" in all applicable contracts subject to Article 15A. See Appendix A, attached.

6. M/WBE PROGRAM RESPONSIBILITIES

ORDA strives to provide equal opportunity in all employment and procurement activities that are undertaken.

These responsibilities are met through the business offices at these locations:

- ORDA -- Central Warehouse, Michael Bartlett (518) 523- 8816, warehouse@orda.org,

- ORDA -- Whiteface Mountain Ski Center, Doug Hart (518) 946-2223, dhart@whiteface.com,
- ORDA -- Olympic Jumping Complex, Shelly Colby (518) 523-8820, skijumps@orda.org,
- ORDA -- Olympic Sports Complex at Mount Van Hoevenberg (518)523-4436, dbarrie@orda.org, Donna Barry
- ORDA -- Gore Mountain Ski Area, Peggy Evatt (518) 251-2411, peggy@goremountain.com.
- ORDA -- Marketing Department, Fran Sayers (518) 523-1655 , sayers@orda.org
- ORDA -- Events Department, Patty Clark (518) 523-1655 , pclark@orda.org
- ORDA -- Olympic Arena Complex, Rich Cotton (518) 523-1655, rcotton@orda.org

Venues use Microsoft Windows and Internet Explorer.

We have been most successful in finding MWBE vendors in the areas of plumbing supplies, graphic design, computer hardware and machinery repair.

7. OUTREACH EFFORTS

It is part of OTDA's policies and procedures to seek MWBE's whenever practicable. Each venue and office provides a list, monthly, to the ORDA Finance Office of M/WBE businesses contacted for solicitation. Additionally, the Authority submits notices to the New York State Contract Reporter to announce solicitations and encourage the participation of M/WBE's. We have also encouraged M/WBE vendors who are not certified to obtain certification by contacting the Division of Minority and Women's Business Development for an application for certification. In 2007-2008, the Authority found one new vendor: Rolfe, a certified women owned vendor who repairs pumps.

8 & 9. ADMINISTERING RESPONSIBILITIES

It is the responsibility of the Authority's Finance Office to monitor compliance with Article 15A. The Authority's procedures mandate that all purchases over \$15,000 be advertised in the New York State Contract Reporter, thereby giving opportunity for additional MWBE's to bid on purchases.

In contracts of \$50,000 or more, Venue Managers, along the ORDA Project Administrator will conduct a goal analysis to determine if a utilization plan is required and the appropriate goals that should be included with the utilization plan. Utilization plans will be required in accordance with Article 15-A implementing regulations.

When a contract includes a utilization plan for MWBE's, the contractor will be required to report on its efforts to meet the established goals. If the contractor is unable to meet the goals, he or she

may request a waiver. If the failure to meet the goals is not discovered until later in the performance of the contract, the Venue Manager and the Project Administrator will determine whether the contractor made a good faith effort.

10. FLOW CHART

11. PROCEDURE FOR RESOLUTION OF CONTRACTOR ISSUES AND PROBLEMS

A contractor may object to any action taken by the Authority and vice versa when consistency with the Goal Plan or the specific contract is involved. Such objection shall be in writing, dated, signed, and concisely and clearly set forth the basis for the objection and be addressed to the contractor or the Director of Finance.

In the event that the objections are filed against the Authority, the Director of Finance shall review the objection, and shall decide whether to affirm or modify the action. Within 15 working days of the receipt of the objection, the Director of Finance or her designee shall notify the contractor either that the action is affirmed; or that it is modified; or that, due to the complexity of the issue, additional time is needed to conduct the review; provided, however, in no event shall the extended review period exceed 30 working days.

In the event that the objection is filed against the contractor, the contractor shall be given the opportunity to review the objections, and to respond by providing additional information for purposes of refuting the objections. A notice of violation against a contractor of an outstanding contract document will include a proposal which outlines the preferred action which will correct the problem and specific written instructions which permit the affected contractor to propose a suitable alternative to the corrective action proposed in the notice of non-compliance. Within 15 working days of receipt of the objections, the contractor shall notify the Authority either that it concurs with its proposal, would concur with specific modifications, or continues to disagree with the objections of the Authority, or that, due to the complexity of the issue, additional time is needed to conduct the review. The extended period will, in no event, exceed 30 working days. The Authority shall notify the contractor of its concurrence or disagreement with his or her response.

The Authority or a contractor may file a complaint with the Division of Minority and Women's Business Development in accordance with Article 15A implementing regulations.

The Authority in accordance with the Article 15A implementing regulations may disqualify a contractor.

Non-compliance that cannot be resolved by the parties will be referred to the American Arbitration Association as the exclusive remedy for any breach of MWBE goals on a contract.

Arbitration proceedings will be in accordance with the procedures described in the Article 15A implementing regulations.

12. STANDARDIZED FORMS – See attached.

13. INTERNAL REPORTING MECHANISMS

The ORDA Finance Office is responsible for the collecting of data for submission to the Division of Minority and Women's Business Development (DM/WBD).

Data is forwarded by the purchasing entity to the Finance Office when M/WBE vendors are contacted for solicitation.

Vendors are identified in our accounting system as MWBE vendors. Quarterly reports are compiled by venue staff, forwarded to the Finance Office, where they are audited, approved, transferred into the required format and forwarded to DM/WBD.

14. AUTHORITY INITIATIVES AND DETERMINATION OF AREAS FOR BUSINESS DEVELOPMENT

The Authority involves several personnel in the process of soliciting quotations and bids from M/WBE vendors. Each venue and department is made aware of M/WBE vendors and ORDA's obligation to achieve the purpose of Article 15A. We have encouraged women/minority owned businesses to certify. The Authority and its venues are located in rural northern New York State, where there are few opportunities to do business with minorities. As well, ORDA has an obligation to provide revenue opportunities to not only M/WBE vendors, but also small businesses in the region whose livelihood depends on the Authority and its employees.

15. AUTHORITY SPECIFIC PROGRAM ACCOMPLISHMENTS

Authority utilization of M/WBE vendors is submitted quarterly to the Division of Minority and Women's Business Development. The Authority continues to strive to locate M/WBE vendors. Venues and departments are using the M/WBE website to verify that vendors are on the state's certified list, as well as to search for M/WBE vendors. We also encourage vendors who are not certified, but qualify as a M/WBE vendor to become certified. ORDA is and will continue to submit quarterly reports to the DMWBD via the internet.

WEBSITE ADDRESS

ORDA's website address is orda.org

