

**ADOPTION OF NEW YORK STATE M/WBE POLICY  
ESSEX COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Upon motion, duly seconded, the following resolution was adopted:

WHEREAS, the Essex County Industrial Development Agency, herein after referred to as the IDA has an unwavering commitment to adhering to ethical, unbiased and legal standards in all of its activities, as set forth in its Code of Conduct;

WHEREAS, NY State requires all contractors and subcontractors to adhere to M/WBE regulations and policies in order to enhance MBE and WBE participation in NY State-funded projects;

THEREFORE, BE IT RESOLVED, that this Board of Directors has reviewed the NY State M/WBE legislation and hereby endorses its adoption as follows:

The IDA will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from the contracting State agency- and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. The IDA will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

FURTHER RESOLVED, that Jody Olcott, Co-Director & CFO is appointed Compliance Officer, to be responsible for insuring adherence to all contract participation goals as set forth by the contracting State Agency; and

THEREFORE, BE IT RESOLVED, that, periodically, the Compliance Officer shall report on organizational compliance, as deemed appropriate, to the Board of Directors; and

BE IT RESOLVED, that the members of the Board of the IDA are, and each acting alone is, hereby authorized and directed to take such further action as may be necessary, appropriate or advisable to implement this Resolution and any such prior actions are hereby ratified; and

WE, THE UNDERSIGNED hereby certify that the IDA is comprised of 7 members, of whom 4, constituting a quorum, were present at the meeting, duly and regularly called, noticed, convened, held and that the foregoing Resolution was duly adopted at said meeting by the affirmative vote of the 4 members and opposed by 0 members and that said Resolution has been duly recorded in the Minute Book and in in full force and effect.

Adopted by Essex County IDA Board of Directors December 21, 2023

Re-Adopted by Essex County IDA Board of Directors March 26, 2024