

REQUEST FOR WAIVER

INSTRUCTIONS: By submitting this form and the required information, the bidder/contractor certifies that every Good Faith Effort has been taken to promote M/WBE participation pursuant to the M/WBE requirements of at least 5% MBE and 5% WBE participation set forth under the contract. Please see Page 2 for additional requirements and document submission instructions.

Bidder/Contractor Name: _____

Telephone: _____

Address: _____

Federal ID No.: _____

City, State, ZIP: _____

Solicitation/Contract No: _____

BIDDER/CONTRACTOR IS REQUESTING (check all that apply):

☐ **MBE Waiver** - A waiver of the MBE goal for this procurement is requested.

☐ **WBE Waiver** - A waiver of the WBE goal for this procurement is requested.

☐ Total

☐ Total

☐ Partial _____ %

☐ Partial _____ %

☐ **Waiver Pending ESD Certification** (check here if subcontractor or supplier is not certified M/WBE, but an application for certification has been filed with Empire State Development)

Subcontractor/Supplier Name: _____

Date of application filing: _____

PREPARED BY (Signature): _____

DATE: _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER/CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

NAME AND TITLE
OF PREPARER:

(print or type)

TELEPHONE No: _____

EMAIL: _____

FOR AUTHORIZED USE ONLY

REVIEWED BY: _____ DATE: _____

WAIVER GRANTED: YES / NO

☐ TOTAL WAIVER

☐ ESD CERTIFICATION WAIVER

☐ PARTIAL WAIVER

☐ CONDITIONAL WAIVER

☐ NOTICE OF DEFICIENCY

DATE: _____

COMMENTS:

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

When completing the Request for Waiver Form, please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1-11, as listed below. If a Waiver Pending ESD Certification is request, please see Item 11 below. Copies of the following information and all relevant supporting documentation must be submitted along with the request.

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses made by certified M/WBEs to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Bidder/Contractor, and the M/WBEs undertaken for purposes of complying with the certified M/WBE participations goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number and email address of the Bidder/Contractor's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

NOTE: Unless a Total Waiver has been granted, Bidder/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by NYSED, to determine M/WBE compliance.