

## REQUEST FOR WAIVER

**INSTRUCTIONS:** By submitting this form and the required information, the offeror/contractor certifies that every Good Faith Effort has been taken to promote MWBE participation pursuant to the MWBE utilization goals set forth under the contract. Please see Page 2 for additional requirements and document submission instructions.

Offeror/Contractor Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Federal ID No: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_ Solicitation/Contract No: \_\_\_\_\_

**OFFEROR/CONTRACTOR IS REQUESTING (check all that apply):**

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

Total \_\_\_\_\_ %  
 Partial \_\_\_\_\_ %

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

Total \_\_\_\_\_ %  
 Partial \_\_\_\_\_ %

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

Subcontractor/Supplier Name: \_\_\_\_\_  
 Date of application filing: \_\_\_\_\_

**CHECK TO CONFIRM DOCUMENTATION OF GOOD FAITH EFFORTS AND JUSTIFICATION FOR WAIVER IS ATTACHED** (see Page 2)

PREPARED BY (Signature): \_\_\_\_\_ DATE: \_\_\_\_\_

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR/CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE MWBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 142, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NON-COMPLIANCE AND/OR TERMINATION OF THE CONTRACT.

NAME AND TITLE OF PREPARER: \_\_\_\_\_  
(print or type)  
 TELEPHONE No: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

FOR AUTHORIZED USE ONLY	
REVIEWED BY: _____	DATE: _____
WAIVER GRANTED: YES / NO	
<input type="checkbox"/> TOTAL WAIVER	<input type="checkbox"/> ESD CERTIFICATION WAIVER
<input type="checkbox"/> PARTIAL WAIVER	<input type="checkbox"/> CONDITIONAL WAIVER
<input type="checkbox"/> NOTICE OF DEFICIENCY ISSUED - 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 1-10, as listed below. If a Waiver Pending ESD Certification is requested, 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 MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications and the text of said solicitation(s).
4. A list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited in writing for purposes of complying with your certified MWBE 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 MWBEs.
6. Provide copies of responses made by certified MWBEs to your solicitations.
7. Provide a description of any contract documents, plans or specifications made available to certified MWBEs 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 Offeror/Contractor, and MWBE(s) undertaken for purposes of complying with the certified MWBE 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 Offeror/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, Offeror/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the Contract, as deemed appropriate by the Authorized User, to determine MWBE compliance.**