

SUPPLIER DIVERSITY (MWBE/SDVOB) - REQUEST FOR WAIVER

INSTRUCTIONS: This form must be submitted if the bidder/proposer/contractor is unable to meet the Supplier Diversity (MWBE and/or SDVOB) Participation Goals set forth in the solicitation or contract. **To be considered, the Request for Waiver form must be accompanied by written responses to questions 1 – 9, as listed on the second page of this form, along with all relevant supporting documentation.** Attach additional sheets as necessary.

Bidder/Proposer/Contractor's Name:

Address:

City, State, Zip Code:

Telephone No.:

Region/Location of Work:

Federal Identification No.:

Solicitation/Contract/Purchase Order No.:

MWBE Goals: MWBE % or (MBE % WBE %)

SDVOB Goal: %

Total Dollar Value of Prime Contract: \$

Waiver Type Being Requested (select all that apply):

- | | |
|---|--|
| 1. <input type="checkbox"/> MBE Waiver – A waiver of the MBE Participation Goal for this procurement is requested: | <input type="checkbox"/> Total <input type="checkbox"/> Partial: _____ % Requested Goal |
| 2. <input type="checkbox"/> WBE Waiver – A waiver of the WBE Participation Goal for this procurement is requested: | <input type="checkbox"/> Total <input type="checkbox"/> Partial: _____ % Requested Goal |
| 3. <input type="checkbox"/> MWBE Waiver – A waiver of the MWBE Participation Goal for this procurement is requested: | <input type="checkbox"/> Total <input type="checkbox"/> Partial: _____ % Requested Goal |
| 4. <input type="checkbox"/> SDVOB Waiver – A waiver of the SDVOB Participation Goal for this procurement is requested: | <input type="checkbox"/> Total <input type="checkbox"/> Partial: _____ % Requested Goal |

BY SUBMITTING THIS FORM AND THE REQUIRED INFORMATION, THE BIDDER/PROPOSER/CONTRACTOR CERTIFIES THAT EVERY GOOD FAITH EFFORT HAS BEEN TAKEN TO PROMOTE NYS-CERTIFIED MWBE AND SDVOB PARTICIPATION PURSUANT TO THE REQUIREMENTS SET FORTH UNDER THE SOLICITATION AND/OR CONTRACT.

Submitted (Select One): ☐ With Bid/Proposal or ☐ During Contract Term

Prepared By (Signature): _____ **Date:** _____

Name and Title of Preparer (Print or Type): _____

Email Address: _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER/PROPOSER/CONTRACTOR'S ACKNOWLEDGEMENT AND CONTRACT TO COMPLY WITH THE MWBE AND SDVOB REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW ARTICLE 15-A AND VETERAN SERVICES LAW ARTICLE 3, 5 NYCRR PART 143, 9 NYCRR PART 252, AND THE ABOVE-REFERENCED SOLICITATION AND/OR CONTRACT. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NON-RESPONSIVENESS, NONCOMPLIANCE AND/OR TERMINATION OF THE CONTRACT. DOCUMENTS SUBMITTED BY VENDORS MAY BE SUBJECT TO DISCLOSURE UNDER APPLICABLE LAW, INCLUDING, WITHOUT LIMITATION, BY THE AUTHORITY AND CANAL CORPORATION POSTING DOCUMENTS TO ITS WEBSITE.

NYP&A & CANAL – SUPPLIER DIVERSITY

REVIEWED BY: _____ **DATE:** _____

Waiver Granted: ☐ YES
☐ NO - Notice of Deficiency Issued: _____

If Yes –

- ☐ **Total Waiver – MWBE Participation Goal**
☐ **Total Waiver – SDVOB Participation Goal**
☐ **Partial Waiver:**

☐ MBE ☐ WBE ☐ MWBE ☐ SDVOB

Revised M/WBE Goal: _____

Revised SDVOB Goal: _____

☐ **Conditional Waiver**

Comments: _____

SUPPLIER DIVERSITY (MWBE/SDVOB) – REQUEST FOR WAIVER REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

1. Provide a statement to explain the reason for requesting a partial or total waiver of Supplier Diversity (MWBE and/or SDVOB) Participation Goals. Provide the name, title, address, telephone number and email address of the representative authorized to discuss and negotiate this Request for Waiver.
2. List all NYS-certified MWBEs and/or SDVOBs appearing in the NYS MWBE and/or SDVOB Directories, include the search parameters used, and the actions taken by you (the Bidder/Proposer/Contractor) to assess the capabilities of NYS-certified MWBE and/or SDVOB firms. Indicate which firms were solicited for the purpose of outreach to comply with the Supplier Diversity Participation Goals.
3. List all notices and dates of contact when outreach was conducted in writing to all NYS-certified MWBEs and/or SDVOBs, for the purpose of complying with the Supplier Diversity Participation Goals, and describe the efforts made by you (the Bidder/Proposer/Contractor) to reasonably structure the contract scope of work for purposes of subcontracting with, or obtaining supplies from, NYS-certified MWBE and/or SDVOB firms.
4. Provide a description or copies of any contract documents (terms and conditions), plans, or specifications made available to NYS-certified MWBEs and/or SDVOBs for the purposes of soliciting their bids, proposal, and/or quotes, and the date and way these documents were made available.
5. Provide copies of your solicitation (or a sample copy of an identical solicitation), letters, and other correspondence, and all responses made by NYS-certified MWBEs and/or SDVOBs for purposes of complying with the Supplier Diversity Participation Goals.
6. Provide documentation of any negotiations between you (the Bidder/Proposer/Contractor), and the NYS-certified MWBEs and/or SDVOBs undertaken for purposes of complying with the Supplier Diversity Participation Goals.
7. If applicable, list the names, date(s) and provide copies of the New York State Contract Reporter, general circulation, media, trade association, and supplier diversity-oriented publications (MWBE/SDVOB) in which you solicited NYS-certified MWBEs and SDVOBs for the purposes of complying with the Supplier Diversity Participation Goals.
8. If applicable, list the attendee(s) name and date(s) by you (the Bidder/Proposer/Contractor) at pre-bid, pre-award, or any meeting scheduled by NYPA and/or Canals for any purposes of complying with the Supplier Diversity Participation Goals.
9. Provide any other information you deem relevant which may help NYPA and Canals in evaluating your Request for Waiver.

Note: Unless a Total Waiver has been granted, the Bidder/Proposer/Contractor will be required to submit all reports and documents pursuant to the provisions set forth in the solicitation and/or contract, as deemed appropriate by The Authority and Canal Corporation, to determine MWBE and/or SDVOB participation compliance.