



**THE CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY
200 CORTLAND AVENUE
SYRACUSE, NY 13205**

MWBE FORM 102

APPLICATION FOR WAIVER OF MWBE PARTICIPATION GOAL

Section 1: Basic Information				
Successful Bidder's Name:			Federal Identification Number:	
Street Address:			E-Mail Address:	
City, State, Zip Code:			Telephone: () -	
Contract Number:	MWBE CONTRACT GOALS			
	MBE %		WBE %	
Section 2: Type of MWBE Waiver Requested				
MBE Waiver	<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised MBE percentage:	
WBE Waiver	<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised WBE percentage:	
Please explain the reason for the waiver request:				
Section 3: Supporting Documentation				

Provide the following documentation as evidence of your good faith efforts to meet the MWBE goals set forth in the contract and in support of your waiver application:

- Attachment A.** List of the general circulation, trade and MWBE-oriented publications and dates of publications soliciting for certified MWBE participation as a subcontractor/supplier and copies of such solicitation.
- Attachment B.** The dates for which bid solicitation for certified minority- and women- owned business participation were published in any of the publications named pursuant to Attachment A of this subdivision and the text of the bid solicitation.
- Attachment C.** List of the certified MWBEs appearing in the Empire State Development MWBE directory that were solicited for this contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
- Attachment D.** Proof of dates on which such solicitations were made in writing and copies of solicitations made, or a sample copy of the solicitation if an identical solicitation was made of all certified minority- and women-owned business enterprises.
- Attachment E.** Copies of responses made by certified minority- and women-owned business enterprises to solicitations made by the contractor.
- Attachment F.** Descriptions of the contract documents/plans/specifications made available to certified MWBEs by the Bidder when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
- Attachment G.** Description of the negotiations between the Bidder and certified MWBEs for the purposes of complying with the MWBE goals of this contract.
- Attachment H.** Identify dates of any pre-Bid, pre-award or other meetings attended by the Bidder, if any, scheduled by CNYRTA with certified MWBEs whom CNYRTA determined were capable of fulfilling the MWBE goals set in the contract
- Attachment I. A statement setting forth the basis for requesting a partial or total waiver.**
- Attachment J.** Other information deemed relevant to the request.

Section 4: Signature and Contact Information

By signing and submitting this form, the Successful Bidder certifies that a good faith effort has been made to promote MWBE participation pursuant to the MWBE requirements set forth under the contract. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, and a suspension or termination of the contract.

Prepared By: (Signature)

Date:

Name and Title of Preparer (Print or Type)

For CNYRTA Use Only

Reviewed By:

Date:

Decision:

- Full MBE waiver granted
- Partial MBE waiver granted; revised MBE goal: ____%
- MBE waiver denied
- Full WBE waiver granted
- Partial WBE waiver granted; revised WBE goal: ____%
- WBE waiver denied

Approved By:

Date:

Date Notice of Determination Sent:

Comments

INSTRUCTIONS FOR MWBE FORM 102

Application for Waiver of MWBE Participation Goal

Instructions for Completing and Submitting an Application for a Waiver of MWBE Utilization Goals

Article 15-A of the New York State Executive Law and 5 NYCRR 140-145 require state agencies to set goals for participation by minority- and women-owned business enterprises (MWBEs) on many types of State contracts. Prior to the contract award, separate goals are established for MBE and WBE utilization, expressed as a percentage of payments made under the contract. The regulations allow agencies to impose penalties if Successful Bidder fails to meet the MWBE utilization goals established for the contract and also allow agencies to grant waivers of MWBE utilization goals either prior to a contract award or after the award has been made, provided the Successful Bidder demonstrates an inability to solicit MWBE participation despite good faith efforts to that end. In order for a waiver to be granted, the Successful Bidder must submit a completed "Application for Waiver of MWBE Utilization Goals" form along with the required supporting documentation.

Section 1: Basic Information

Enter the Successful Bidder's name, address, federal identification number, and the contract number in the spaces provided. Enter the MBE and WBE utilization goals set forth in the solicitation or assigned contract.

Section 2: Type of Waiver Request

Check the type(s) of waiver requested. You may request a total or partial waiver of the MBE goals and/or a total or partial waiver of the WBE goals. If you request a partial waiver of either the MBE or WBE goal, enter the revised goal for participation in the box provided.

Use the space provided to provide a rationale for your waiver request. You may attach additional sheets, if necessary.

Section 3: Supporting Documentation

Extensive documentation is required to demonstrate good faith efforts to comply with the MWBE goals. See the form for details on the required documentation.

Section 4: Signature and Contact Information

The waiver application must be signed by someone authorized to discuss the waiver with CNYRTA. By signing the waiver application, the Successful Bidder certifies that a good faith effort has been made to promote MWBE participation pursuant to the MWBE requirements set forth under the contract. Failure to submit complete and accurate information may result in a finding of non-compliance, non-responsibility, and a suspension or termination of the contract.

Note: Unless total waivers for both MBE and WBE participation have been granted, the Successful Bidder is required to submit all reports and documents—including MWBE compliance reports—pursuant to the provisions set forth in the contract, to evidence compliance with the MWBE goals.