**NYCEDC M/W/DBE WAIVER/MODIFICATION REQUEST**

This application is for consideration of a waiver or modification of the M/W/DBE contract goal. All supporting documentation and evidence of good faith efforts must be clearly labeled and submitted with this request, as specified below. Without such information, the request will be deemed incomplete and returned without review.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Part A- Applicant Information** | | | | | | |
| Applicant Name | | | | | | |
| Address | Street | City | | | State | Zip Code |
| Phone No. | Fax No. | | | | Email Address | |
| Type of Request  Pre-Award Waiver  Post-Award Modification | | | Applicable Goal  Target Subcontracting Percentage (TSP)  M/W/DBE Participation Goal | | | |
| **Part B - Project Information** | | | | | | |
| Bid/Proposal Date (Pre-Award) | | | Contract Number | | | |
| Contract TSP or M/W/DBE Participation Goal (%) | | | Requested TSP or M/W/DBE Participation Goal (%) | | | |
| Contract TSP or M/W/DBE Participation Value ($) | | | Requested TSP or M/W/DBE Participation Value ($) | | | |
| **Part C - Project Summary Amounts** | | | | | | |
| 1. Total Bid or Contract Value | | | | $ | | |
| 1. Total Dollars Committed to Non-M/W/DBEs   (from Part E) | | | | $ | | |
| 1. Total Dollars Committed to M/W/DBEs   (from Part D) | | | | $ | | |
| 1. Work to be Performed by Applicant   (subtract II and III above from I) | | | | $ | | |
| 1. Percent of Work Performed by Applicant   (divide IV by I) | | | | $ | | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part D - M/W/DBE Information** | | | | | | | |
| Committed Dollars | | M/W/DBE Business Name (list only those that have submitted Intent to Perform as Subcontractor forms) | | Type of Work Quoted | | Date Subcontract Executed |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | | Total Dollars Committed to M/W/DBEs | | | |  |
| **Part E- Non-M/W/DBE Commitments** | | | | | | | |
| Committed Dollars | | Non-M/W/DBE Business Name | | Type of Work Quoted | | Date Subcontract Executed |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | |  | |  | |  |
|  | | Total Dollars Committed to Non-M/W/DBEs | | | |  |
| **Part F - M/W/DBEs Quoted But Not Selected** | | | | | | | |
| Quoted Dollars | M/W/DBE Business Name | | | Type of Work Quoted | | Reason Not Selected  Quote too high/  Quote not complete/  Other (please attach explanation) | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
|  |  | | |  | |  | |
| **Part G- Required Documentation** | | | | | | | |
| A cover letter describing relevant facts NYCEDC should consider in making a determination   * The cover letter must include (1) reason(s) for the Applicant’s waiver/modification request; (2) a summary statement of Applicant’s efforts to obtain M/W/DBE participation; (3) outcome of such efforts; and (4) any other facts the Applicant’s believes may be relevant to NYCEDC’s determination. * NYCEDC may consider some or all of the following factors in making a final determination: * **Offer of Work**      1. Did the Applicant offer sufficient amount of work to meet the M/W/DBE goal? 2. Did the Applicant offer work in economically feasible units? 3. Did the Applicant offer work normally performed with Applicant’s own work force? 4. Did the Applicant notify qualified M/W/DBE firms? 5. Were notified M/W/DBE firms in close geographic proximity to the project?  * **Timely Notice**  1. Did the Applicant send timely written solicitation notices to certified M/W/DBE firms? 2. Did the solicitation notice include the following:    1. Name and location of project    2. Bid/Proposal date    3. Scope of work requested    4. Location where M/W/DBE’s can review plans and specifications    5. Date and time to submit quote    6. Contact name for technical assistance    7. Any special requirements  * **Finance and Bonding Outreach**  1. If requested by the M/W/DBE, did the Applicant provide contacts for possible bonding, insurance and lines of credit? 2. If requested by the M/W/DBE, did the Applicant provide technical assistance in these areas?  * **Post-Solicitation Follow-up**  1. Did the Applicant maintain a “follow-up log” from the initial solicitation? The log must show:    1. Type of contact (fax, telephone, e-mail)    2. Name of contact person    3. Name of M/W/DBE firm    4. Date and time of M/W/DBE contacted    5. Response received    6. Reason for M/W/DBE not bidding project (if applicable)  * **M/W/DBE Program Outreach and Support**  1. Did the Applicant host M/W/DBE informational workshops, networking sessions, M/W/DBE conference, M/W/DBE/Applicant meetings, etc.? 2. Did the Applicant contact minority business organizations about M/W/DBE opportunities?  * **Other** – NYCEDC may consider any additional factors it deems relevant to determine the Applicant’s good faith efforts including those set forth in the Project solicitation and contract. NYCEDC may request to meet with the Applicant to discuss the waiver/modification request. | | | | | | | |
| ☐Copies of quotes of all M/W/DBEs who quoted but were not selected. | | | | | | | |
| ☐Copies of quotes from the non-M/W/DBEs selected to do work quoted by the M/W/DBEs | | | | | | | |
| Copies of faxes (Sample of the fax, transmittal logs identifying each M/W/DBE firm solicited based on each fax number and the associated fax transmission stat log(s). Please be sure fax dates are clearly visible) | | | | | | | |
| ☐Telephone records (Telephone log showing the name of each M/W/DBE firm contacted, the contact date, and brief notes about each contact, as applicable). | | | | | | | |
| Mail (Documentation: Include a sample letter and include solicitations which were returned undeliverable) | | | | | | | |
| ☐E-mails (attach E-mail copies sent and distribution list) | | | | | | | |
| ☐Advertisements placed in/on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (attach copy of advertisement(s) referencing specific bidding items and dates). | | | | | | | |
| Other (describe, and if applicable, attach sample copy) | | | | | | | |
| **Part H - Certification** | | | | | | | |
| I hereby certify that I am an authorized agent of the Applicant and that all submissions and statements made in connection with this M/W/DBE waiver/modification request are true and accurate. | | | | | | | |
| Signature (Authorized Representative) | | | Title | | Date | | |