

REQUEST FOR WAIVER

Upon exhausting all known sources and making every possible effort to meet the minimum requirements for DBE participation, the Contractor may seek relief from these requirements by filing this form with the bid and submitting a completed waiver package NO LATER THAN FIVE (5) business days after the Contractor's selection of its subcontractor (s). Failure to comply with this process shall be cause to reject the bid thereby rendering the Contractor not eligible for award of the subcontract.

General Information

Project Title: _____ Project Location: _____

Project Number: _____

Bid Opening (time/date) _____

Contractor: _____

Mailing Address: _____

Contact Person: _____ Telephone No. () _____ Ext. _____

Minimum Requirements

The Contractor must show that good faith efforts were undertaken to comply with the percentage goals as specified. The Contractor seeking relief must show that such efforts were taken appropriately in advance of the time set for opening bid proposals to allow adequate time for response(s) by submitting the following:

- A. A detailed record of the effort made to contact and negotiate with disadvantaged minority and/or woman owned businesses, including:
 - 1. names, addresses, telephone numbers and contact dates of all such companies contacted;
 - 2. copies of written notice(s) which were sent to DBE potential subcontractors prior to bid opening;
 - 3. a detailed statement as to why each subcontractor contacted (i) was not willing to do the job or (ii) was not qualified to perform the work as solicited; and
 - 4. in the case(s) where a negotiated price could not be reached the bidder should detail what efforts were made to reach an agreement on a competitive price.
 - 5. copies of advertisements, dated not less than ten (10) days prior to bid opening, as appearing in general publications, trade-oriented publications, and applicable minority/women-focused media detailing the opportunities for participation;

- B. MassDEP may require the Contractor to produce such additional information as it deems appropriate.
- C. No later than fifteen (15) days after submission of all required information and documentation, MassDEP shall make a determination, in writing, whether the waiver request is granted and shall provide that determination to the Contractor and Awarding Authority. If the waiver request is denied, the facts upon which a denial is based will be set forth in writing.

Special Note

If at any time, MassDEP determines that one or more of the DBE contractors as submitted by the Contractor is not certified, the Contractor shall have 10 working days, following notification to MassDEP, to either find a certified DBE contractor to perform work equal to or greater than that of the uncertified contractor or submit a waiver request.

CERTIFICATION

The undersigned herewith certifies that the above information and appropriate attachments are true and accurate to the best of my knowledge and that I have been authorized to act on behalf of the bidder in this matter.

(authorized original signature)

DATE

MAILING INSTRUCTIONS: (CERTIFIED MAIL)

TO: **YITLING SLAYMAN**
DEP – CCU
Mass DEP
ONE WINTER STREET - 4TH FLOOR
BOSTON, MA 02108

CC: DEP - DFM DIRECTOR
BAWA WAVEZWA
ONE WINTER STREET - 4TH FLOOR
BOSTON, MA 02108-4747

MALCOLM HARPER
BWR-DMS
MassDEP/CERO
8 NEW BOND STREET
WORCESTER, MA 01606