

**DISADVANTAGED MINORITY AND WOMEN BUSINESS ENTERPRISE PARTICIPATION
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

REQUEST FOR WAIVER

Upon exhausting all known sources and making every possible effort to meet the minimum requirements for Disadvantaged MBE/WBE participation, the Bidder may seek relief from these requirements by filing this form (completed) NO LATER THAN FIVE (5) working days following bid opening. Failure to comply with this process shall be cause to reject the bid thereby rendering the Bidder not eligible for award of the contract.

GENERAL INFORMATION:

Project Title: _____ Project Location: _____
Project Number: _____
Bid Opening (time/date) _____
Bidder: _____
Mailing Address: _____
Contact Person: _____ Telephone No. () _____ Ext. _____

MINIMUM REQUIREMENTS:

The Bidder must show that good faith efforts were undertaken to comply with the percentage goals as specified. The firm 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 dated written notice(s) which were sent to DMBE/DWBE potential subcontractors prior to application deadlines;
 3. copies of dated advertisements as appearing in general publications, trade-oriented publications, and applicable minority/women-focused media detailing the opportunities for participation;
 4. 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
 5. 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.

- B. The Agency may require the Bidder to produce such additional information as it deems appropriate and may obtain whatever other information it deems necessary to reach a conclusion from any source.
- C. No later than fifteen (15) days after receipt of all necessary information and documentation, a decision will be made in writing to the bidder. If the waiver request is denied, the facts upon which a denial is based will be set forth. A Bidder who is dissatisfied with the decision may then appeal that decision to the EOEA.

SPECIAL NOTE:

If it is determined that one or more of the DMBE/DWBE subcontractors as submitted by the Bidder on form EEO-DEP-190C is not SOMWBA certified or certified by the Local Government Unit in accordance with the provisions of Executive Order 237, the Bidder shall have 10 working days, following notification, to either find a certified DMBE/DWBE subcontractor to perform work equal to or greater than that of the uncertified 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: JANE PEIRCE
BRP-DMS PROGRAM MANAGER
MassDEP/CERO
8 NEW BOND STREET
WORCESTER, MA 01606

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