



The Culture of Care

**GOOD FAITH EFFORTS**  
**IN CONSIDERATION OF A WAIVER FOR MWBE REQUIREMENTS**

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 anticipated payments made under the contract. A partial or total waiver of the applicable MWBE requirements will only be considered upon the submission of a waiver form by a contractor, documenting good faith efforts. Failure to engage and submit documentation supporting good faith efforts may result in a rejection of the waiver request and the award of the contract to another bidder or respondent, or, if the contract is already in progress, may result in financial penalties.

The Good Faith Efforts of a contractor **must be documented** in the following manner:

1. Provide the names of general circulation, trade association, and MWBE-oriented publications in which you solicited certified MWBEs for the purposes of complying with your participation goals.
2. Provide a list identifying the date(s) that all solicitations for certified MWBE participation were published in any of the above publications and the text of said solicitation(s).
3. Provide a list of all certified MWBEs appearing in the NYS Directory of Certified Firms that were solicited in writing for purposes of complying with the certified MWBE participation levels.
4. Provide copies of notices, dates of contact, letters and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation, if an identical solicitation was made to all certified MWBEs.
5. Provide copies of responses made by certified MWBEs to your solicitations.
6. Provide a description of any contract documents, plans or specifications made available to certified MWBEs for purposes of soliciting their bids, and the date and manner in which these documents were made available.
7. Provide documentation of any negotiations between the Offeror/Contractor, and/or MWBE(s) undertaken for purposes of complying with the certified MWBE participations goals.
8. Provide the name, title, address, telephone number, and email address of the Offeror/Contractor's representative authorized to discuss this waiver request.