




TO: MWBE Program Coordinators

FROM: Pamela Swanigan 
Director of University-wide MWBE Program

SUBJECT: SUNY MWBE Waiver Procedure and Submission Guidelines, SFY 2017-18

Consistent with the State University of New York's commitment to and in accordance with Article 15-A of the New York State Executive Law, campuses and contractors are required to submit sufficient MWBE Good Faith Efforts documentation to SUNY University-wide MWBE Program Office when applying for MWBE Waivers. These guideline apply to all SUNY contracts or purchase orders (PO) in excess of \$25,000 for commodities and services and in excess of \$100,000 for construction.

If the procurement falls under the pre-determined sub object codes as provided in the SUNY MWBE/SDVOB Exemption and Exclusion Procedure, SFY 2017-18, a waiver is not required and MWBE goals do not apply.

Waiver Request Process for Campuses and Contractors

Pre-RFP Waiver Request: In the pre-solicitation phase, receipt of campus's GFE documentation is required if the contract/PO is assigned an MWBE goal below 30%. The actions below must be taken by the campus to initiate a waiver request.

- a. Complete a Pre-RFP Waiver Request ([Form 7557-114b](#)) which has been provided by the University-wide MWBE Program Office.
- b. Provide the contract's Scope of Work or description of the PO in order to know what is procured.
- c. Provide the screenshot of search result for available MWBEs in NYS MWBE Directory.
<https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp>
- d. Provide the Single Source statement if the product or service is single source.
 - For Single Source procurement - only action a, b, c, and d are required.
- e. Provide Email blast sent to MWBEs on the list of search result in PDF format. The email should notify the recipient the contracting opportunity and inquire as to their ability and interests in providing the services and/or goods.
- f. Provide responses from email blast recipients in one PDF file.

Waiver Request: In the post-solicitation Phase, if the MWBE participation rate on the contractor's Utilization Plan is below 30%, the contractor will receive a written notice of Utilization Plan deficiency from the campus within twenty (20) business days of its submission. The contractor must respond to the notice of deficiency by submitting to the MWBE Program Coordinator on campus a revised MWBE Utilization Plan within seven (7) business days. If the deficiency is not rectified, the campus and the contractor may request a Total Waiver or Partial Waiver from University-wide MWBE Program and Executive Chamber. The actions below must be taken by the campus and contractor to initiate a waiver request.

Requirements for Campus: To indicate that Good Faith Efforts (GFE) are made by the campus to include meaningful participation by MWBEs as prime-contractor, campus must submit documentation b, c, d, e, and f which are generated during pre-solicitation phase and document g, h, and i below.

- g. Compete Waiver Request ([Form 7557-114a](#)) which is provided by the University-wide MWBE Program Office.
- h. Provide cost estimate/proposal.
- i. Provide Bid tabulation.

Requirements for Contractor: To assure the meaningful participation of NYS certified MWBEs as sub-contractors on all contracts associated with State contract dollars, the prime contractor should undertake actions below.

- j. The prime contractor shall take the following steps when soliciting MWBEs and documenting such on the forms below.
 - 1. Determine which components of the contract will be subcontracted and break down the component elements into manageable and cost-effective segments.
 - 2. Utilize to the fullest extent possible the resources of local and State organizations which provide services to the minority and women's business communities.
 - 3. Copies of advertisements and/or notices of solicitation in minority and women focused media.
 - 4. Forward copies of solicitation letters obtained by certified mail, return receipt, thereby encouraging a response from those MWBEs solicited. All solicitation letters must include the bid date and response due date, and should allow 15 business days before responses are due.
 - 5. NOTE: SUNY highly recommends that the prime contractor collect the responses on the following forms:

[7557-101](#) - M/WBE Contractor Solicitation Letter

[7557-102](#) - M/WBE Participation Quote

[7557-103](#) - M/WBE Contractor Unavailability Certification

In addition to the forms above, a contractor may also provide documents to indicate the GFE made by contractor to include meaningful participation by MWBEs as sub-contractors.

- k. The contract's Scope of Work and breakdown of the contract's budget or cost proposal.
- l. If there are subcontracting opportunities, please provide screenshot of search result for available MWBEs in each work scope in NYS MWBE Directory.
<https://ny.newnycontracts.com/frontend/vendorsearchpublic.asp>
- m. PDF file of any e-mail blasts sent to MWBEs on the list of search result. The email should notify the recipient of the sub-contracting opportunities and inquire as to their ability and interests in participating in this contract.
- n. PDF file of any responses from e-mail blast received from MWBE vendors.

These steps should be provided to all prime contractors as assist them to implement an acceptable and successful MWBE Program, and to prepare acceptable evidence that GFEs were employed to engage the MWBEs in the solicitation.

Contractor is required to submit the required documents to the campus MWBE Program Coordinator.

Campus is required to submit all above documentations by email to mwbeprograms@suny.edu. The file name should contain the following: *<Waiver Request – Campus Name>*.

The average time frame for SUNY University-wide MWBE Program waiver request review is seven (7) business days before sending over to the Governor's Office. The average time frame for the Governor's Office review and approve waiver request is fourteen (14) business days.