EBE/M/WBE WAIVER/REDUCTION INSTRUCTIONS and APPLICATION

A Contractor may request a reduction or waiver from the EBE/M/WBE rider requirement on a particular contract if they can show good faith efforts were taken to secure the goods or services of Emerging Business Enterprises and/or Minority/Women's Business Enterprises.

Using this form, the request must be submitted no later than the contractor's request for final payment.

Submit form to: Purchasing/Vendor Compliance

Citizens Square

200 E. Berry Street, Suite 490

Fort Wayne, IN 46802

In determining whether or not the contractor used "good faith" efforts, the following shall be considered:

1. Whether the contract can be subdivided as determined by the project engineer and Administrator of Vendor Compliance;
2. Availability of certified EBE/M/WBE businesses to participate as subcontractors;
3. Non-competitive price quotes received from EBE/M/WBE firms. Vendor Compliance’s determination for granting a reduction or waiver of the goal because of higher quotes from EBE/M/WBE firms will be based on factors that include, but are not limited to the following:
4. The project engineer's estimate for the work under a specific contract;
5. The contractor's own estimate for the work under the subcontract;
6. An average of the valid prices quoted for the subcontract;
7. Demonstrated increase in other contract costs as a result of sub contracting to EBE/MWBE firm(s).
8. Documented measures taken by the contractor to comply with the EBE/M/WBE participation goal;
9. EBE/M/WBE subcontractor failed to fulfill their obligation in regards to the time delivery of goods and/or services. Also in regards to the quality of the goods and/or services set forth in the bid specifications.
10. Such other matters as the Vendor Compliance deems relevant.

Notice: Attached is the form that is required for the above-mentioned process.

EBE/M/WBE WAVER/REDUCTION APPLICATION

Type of Waiver Requested:

 EBE MBE WBE

**Project Resolution Number**:

**Project Name**:

**Submitted By**:

**Address**:

**City, State Zip Code**:

**Phone**: **email**:

Each of the following elements must be present in order to determine whether or not a reduction or waiver is appropriate. Please provide adequate documentation and information to show why a reduction or waiver of the goal is being sought. (If the space given is not sufficient, please attach additional pages as needed.)

1. **Please give a detailed statement of the efforts to identify and select portions of the project to sub contract.**

2. **Please provide a list of your contact with EBE/M/WBE firms.**

Name of firm contacted:

Address:

Phone:

Contact Date & Time:

Method: [ ] Phone [ ] Fax [ ] Written [ ] Other (explain):

Name of firm contacted:

Address:

Phone:

Contact Date & Time:

Method: [ ] Phone [ ] Fax [ ] Written [ ] Other (explain):

Name of firm contacted:

Address:

Phone:

Contact Date & Time:

Method: [ ] Phone [ ] Fax [ ] Written [ ] Other (explain):

[If more contacts were attempted, please attach additional pages of documentation]

COPIES OF ALL WRITTEN OR FAX SOLITIFICATIONS MUST BE ATTACHED

3. **If a reduction or waiver is being sought because of reasons other than prices, the contractor must provide the following information**:

a. **Detailed statement of WHY no EBE/M/WBE firm was subcontracted**:

4. **If a reduction or waiver is being sought because prices quoted by EBE/M/WBE firms were higher than non-EBE/M/WBE firms, the contractor must provide the following information**:

1. **Price Quoted**:

|  |  |
| --- | --- |
| Contractor | Price Quoted |
| 1. | 1. |
| 2. | 2. |
| 3. | 3. |
| 4. | 4. |

b. **Detailed statement of the work identified for EBE/M/WBE participation for which the contractor asserts the EBE/M/WBE quote(s) was higher than non-EBE/M/WBE firms. Please summarize direct negotiations with EBE/M/WBE firms for specific portions of the work (and document the dates and time when negotiations occurred), and please indicate why negotiations were unsuccessful:**

c. **Please include other documentations that demonstrate that the EBE/M/WBE quotes were higher than non-EBE/M/WBE firms.**

1. **Summary**:

I, , of

 (company), hereby request a reduction of % from

the EBE/M/WBE participation goal. This request is being sought for the reason explained above.

(If the contractor desires to state further reason why the waiver should be accepted, please attach additional pages.)

Signed: Date:

Title: