



Office of
General Services

ANDREW M. CUOMO
Governor

ROANN M. DESTITO
Commissioner

December 7, 2015

Chris Johnson
Manager, Community and Government Contracts
Environmental Systems Research Institutes, Inc.
380 New York Street
Redlands, CA 92373-8100

Dear Mr. Johnson:

We are in receipt of Environmental Systems Research Institutes, Inc.'s Waiver of MWBE Participation Goal (BDC 333) in response to Solicitation 22802 for Information Technology Umbrella Contract – Manufacturer Based, Lot1. Upon review of the provided documentation, **your request to waive the MWBE goals on this contract has been granted.**

As this is a multi-year contract and conditions may change over time, we encourage you to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=2528>.

Additionally, following Contract execution, Contractor is encouraged to contact the Division of Minority and Women's Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.

Included with this letter is a signed copy of your waiver application. If you have any additional questions, I can be reached at (518) 486-6866.

Sincerely,

Anuola N. Surgick
Minority Business Specialist 2
Office of MWBE & Community Relations

cc: Sharon Featherstone, OGS
Sheila Long, OGS
Ann Fisher, OGS



**Office of
General Services**

**Office of Minority and Women-Owned
Businesses & Community Relations**

Design and Construction
AN ISO 9001:2008 CERTIFIED ORGANIZATION
Office of Minority and Women-Owned Business Enterprises,
29th Floor, Corning Tower
The Governor Nelson A. Rockefeller Empire State Plaza
Albany, New York 12242
Phone: (518) 486-9284 FAX: (518) 486-9285

APPLICATION FOR WAIVER OF MWBE PARTICIPATION GOAL

(must be submitted before requesting final payment on the contract)

Section 1: Basic Information					
Contractor's Name: Environmental Systems Research Institute, Inc. (Esri)	Federal Identification Number: 95-2775732				
Street Address: 380 New York Street	E-Mail Address: bids@esri.com				
City, State, Zip Code: Redlands, CA 92373	Telephone: (909) 793 - 2853				
Contract Number: Solicitation No. 22802	MWBE CONTRACT GOALS				
	<table border="1"> <tr> <th>MBE %</th> <th>WBE %</th> </tr> <tr> <td>10% / 15% (Lot 1-10%; Lot 3-0%; Lot 4-15%)</td> <td>10% / 15% (Lot 1-10%; Lot 3-0%; Lot 4-15%)</td> </tr> </table>	MBE %	WBE %	10% / 15% (Lot 1-10%; Lot 3-0%; Lot 4-15%)	10% / 15% (Lot 1-10%; Lot 3-0%; Lot 4-15%)
	MBE %	WBE %			
10% / 15% (Lot 1-10%; Lot 3-0%; Lot 4-15%)	10% / 15% (Lot 1-10%; Lot 3-0%; Lot 4-15%)				

Section 2: Type of MWBE Waiver Requested

MBE Waiver	<input checked="" type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised MBE percentage:	
WBE Waiver	<input checked="" type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised WBE percentage:	

Please explain the reason for the waiver request:

LOT 1 COMMERCIAL OFF-THE-SHELF SOFTWARE (COTS): A full waiver of the MWBE Goals is requested for the software in question as they are commercially available off-the-shelf software (COTS) items that have already been developed in-house at Esri. There is no opportunity for participation by any third party as the software has completed development, was compiled, and is packaged for automated download and installation of a completed product for users that purchase licenses.

Section 3: Supporting Documentation

Provide the following documentation as evidence of your good faith efforts to meet the MWBE goals set forth in the contract and in support of your waiver application:

- Attachment A. List of the general circulation, trade and MWBE-oriented publications and dates of publications soliciting for certified MWBE participation as a subcontractor/supplier and copies of such solicitation.
- Attachment B. List of the certified MWBEs appearing in the Empire State Development MWBE directory that were solicited for this contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
- Attachment C. Descriptions of the contract documents/plans/specifications made available to certified MWBEs by the contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
- Attachment D. Description of the negotiations between the contractor and certified MWBEs for the purposes of complying with the MWBE goals of this contract.
- Attachment E. Identify dates of any pre-bid, pre-award or other meetings attended by contractor, if any, scheduled by OGS with certified MWBEs whom OGS determined were capable of fulfilling the MWBE goals set in the contract
- Attachment F. Other information deemed relevant to the request. F-1: COTS Waiver Documentation
F-2: Small Business Subcontracting Plan 2015

Section 4: Signature and Contact Information

By signing and submitting this form, the contractor certifies that a good faith effort has been made to promote MWBE participation pursuant to the MWBE requirements set forth under the contract. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, and a suspension or termination of the contract.

Prepared By: (Signature) 	Date: 11/4/15
Name and Title of Preparer (Print or Type) Chris Johnson, Manager Commercial & Govt Contracts	

For OGS Use Only

Reviewed By:

Anuola Surgick

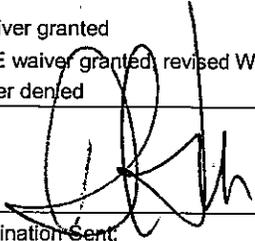
Date:

11/19/2015

Decision:

- Full MBE waiver granted
- Partial MBE waiver granted; revised MBE goal: _____ %
- MBE waiver denied
- Full WBE waiver granted
- Partial WBE waiver granted; revised WBE goal: _____ %
- WBE waiver denied

Approved By:



Date:

12/7/15

Date Notice of Determination Sent:

12/7/15

Comments: We encourage you to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com/FrontEnd/endorSearchPublic.asp?TN=ny&XID=2528>. Additionally, following Contract execution, Contractor is encouraged to contact the Division of Minority and Women's Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.