



**Office of
General Services**

ANDREW M. CUOMO
Governor

ROANN M. DESTITO
Commissioner

November 20, 2015

John J. Hines III
President
AssetWorks LLC
998 Old Eagle School Road – Suite 1215
Wayne, PA 19087

Dear Mr. Hines:

We are in receipt of AssetWorks LLC's application for Waiver of MWBE Participation Goal (BDC 333) in response to Solicitation 22802 for Information Technology Umbrella Contract – Manufacturer Based, Lot 1 for Software. 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.

If you have any additional questions, I can be reached at (518) 486-6866.

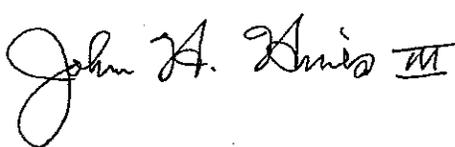
Sincerely,

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

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

APPLICATION FOR WAIVER OF MWBE PARTICIPATION GOAL

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

Section 1: Basic Information			
Contractor's Name: AssetWorks LLC		Federal Identification Number: 98-0358175	
Street Address: 998 Old Eagle School Road, Suite 1215		E-Mail Address: Lynn.sons@assetworks.com	
City, State, Zip Code: Wayne, PA 19087		Telephone: (610) 687 - 9202	
Contract Number: PT60412 Solicitation 22802 LOT 1- Software		MWBE CONTRACT GOALS	
		MBE %	WBE %
		15%	15%
Section 2: Type of MWBE Waiver Requested			
MBE Waiver	<input type="checkbox"/> Total	<input checked="" type="checkbox"/> Partial	If partial waiver, please enter the revised MBE percentage: 5%
WBE Waiver	<input type="checkbox"/> Total	<input checked="" type="checkbox"/> Partial	If partial waiver, please enter the revised WBE percentage: 5%
Please explain the reason for the waiver request:			
<p>The majority of the activity related to the NYS OGS contract represents maintenance paid for 'live', previously installed software instances. Maintenance refers to new releases and patches to the software and therefore is not available for subcontracting. In the event of new implementations or training opportunities, AssetWorks can then work with our MBE/WBE partners. Additionally, our proposed solutions are utilized by a number of agencies within the Department of Homeland Security which, as part of our related security audits and defined data classification, are not cleared for outsourcing. "Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations" as published under NIST SP 800-171, contains very specific guidance as to require monitoring of compliance with security measures. It also mandates the creation of a business due diligence service to allow agencies to conduct the necessary security assessments of its contractors. These measures are for ensuring information security and require subcontractors of federal contractors to comply with the same auditing standards. Since AssetWorks is an ATO operating CUI under agency-specific FAR clauses, significant restrictions exist to ensure security measures are met and these cannot be duplicated in a subcontractor environment, thus limiting software development opportunities for MBE/WBE enterprises.</p>			
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:			
□			
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.			
		Date: 13 August 2015	
Prepared By:			
Name and Title of Preparer (Print or Type) John H. Hines III, President			

For OGS Use Only

Reviewed By:

Anuola Surgick

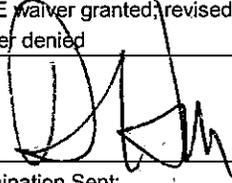
Date:

10/23/2015

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:

11/20/15

Date Notice of Determination Sent:

11/20/15

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/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.

AssetWORKS

8 June 2015

Procurement Services Group
Office of General Services
New York State Procurement
Corning Tower, 38th Floor
Empire State Plaza
Albany, NY 12242

RE: Solicitation No. 22802 / Form MWBE 100 for Lots 1-3.

Dear Procurement Services Group,

In regards to LOTS 1, 2, and 3 of above mentioned Solicitation #22802, AssetWorks LLC does not see an opportunity for MWBE participation due to the following:

Software:

AssetWorks LLC does not outsource software development services as a matter of corporate practice. Additionally, our proposed solutions are utilized by a number of agencies within the Department of Homeland Security which, as part of our related security audits and defined data classification, are not cleared for outsourcing.

Hardware:

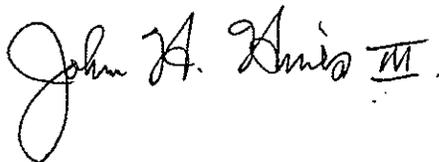
AssetWorks LLC does not provide hardware except for the sole source provision of Island Control Units (ICUs) and supporting devices for our proprietary fuel management solution. There is no opportunity for MWBE inclusion as AssetWorks is not a provider of computer hardware.

Cloud Services:

AssetWorks LLC maintains its own SSAE16 SOC2 certified/ ISO 27001 compliant Data Center. Further, the AssetWorks Data Center, and specifically the controls exhibited and enforced on the ASP (Application Service Provider) environment, has been granted the designation "Authorized to Operate" (ATO) as a system housing CUI (Controlled Unclassified Information) data at our facility based on the DOJ assessment using NIST 800-53 guidelines for FISMA (Federal Information Standards Management Agency) standards thus precluding outsourcing.

AssetWorks LLC values its MWBE partnerships and does all possible to utilize their respective services for training, documentation and other end-user requirements.

Sincerely,



John H. Hines III
President