SYNOPSIS OF BALTIMORE CITY’S M/WBE WAIVER PROCESS

Pre-Solicitation (before RFP/Bid advertisement)

- Agency prepares RFP/Bid documents and reviews for M/WBE participation
- Waiver of Program goals requested by Agency
- MWBOO (Minority and Women’s Business Opportunity Office)
  [Waiver decision-making authority]
  - APPROVED
  - RFP/Bid advertised with no goals
  - Determination made based on availability of M/WBEs and segmentability of contract
- MWBOO Advises

Pre-Award (at time of RFP/Bid submission)

- Apparent lowest bidder requests waiver of MBE and/or WBE goals
- Bid rejected and contract awarded to next responsive and responsible bidder
- MWBOO (Minority and Women’s Business Opportunity Office)
  [Waiver decision-making authority]
  - APPROVED
  - Contract awarded with reduced goals
  - Determination made based on documented efforts of bidder
- MWBOO Advises

Post-Award (contract in progress)

- Request to reduce goal
- Request to replace M/WBE
- Contractor requests waiver of M/WBE goals OR to replace M/WBE subcontractor (due to change in scope, subcontractor performance, or subcontractor unavailability)
- MWBOO (Minority and Women’s Business Opportunity Office)
  [Waiver decision-making authority]
  - APPROVED
  - Contract modified to reflect reduction or elimination of goals
  - Mayor’s Office of Minority and Women-Owned Business Development (MWBD) Office consulted for identification of replacement M/WBEs
- MWBOO Advises

Sole Source and Emergency Contracts (Agencies have decision-making authority with advice from MWBOO)

- Agency determines if contract is segmentable and if certified M/WBEs are available
- Sole source contract awarded with no M/WBE goals
- Emergency contract awarded with no M/WBE goals; however, contractor must make efforts to subcontract to M/WBEs if subcontracting is utilized