



STEPHANIE  
RAWLINGS-BLAKE  
MAYOR



## **Mayor's Coalition on Supplier Diversity and Inclusion The Compliance and Accountability Sub-Committee**

### **What is a Waiver?**

A waiver is a reduction in the MBE and WBE participation goals when the reasonable and necessary requirements of the contract or an emergency render subcontracting or other participation of businesses other than the bidder infeasible.

### **The Four Types of Waivers**

Based on Baltimore City's M/WBE law, there are generally four (4) types of M/WBE waivers:

1. Agency pre-solicitation requests for waivers – requested for non-segmentable contracts or where there are no M/WBEs available to perform work on the contract. These comprise the bulk of waivers requested of and granted by MWBOO as noted on Board of Estimates agendas.
2. Bidder's pre-award request for waivers – requested at time of bid submission when the bidder cannot meet the contract goals. These requests must include documentation of the bidder's efforts to meet the goals.
3. Contractor's post-award request – requested after award of a contract where the contractor can no longer meet the contract goals, and, after reasonable efforts, is unable to find substitute M/WBEs.
4. Waivers made by agencies for sole source and emergency contracts – determined by agencies with advice from MWBOO if goods or services are available only from a sole source, or if an emergency exists for the goods or services to be provided with such an immediacy that inhibits the agency from complying with the M/WBE requirements.

[Waiver Process Diagram \(best shown on 11x17 paper\)](#)