



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Clean Water

# **Architectural & Engineering (A&E) Procurement Requirements Help Guide**

There are two related requirements that funding recipients must follow before they hire technical support (e.g. engineering):

1. Solicit, interview and negotiate with firms in accordance with 40 U.S.C. 1101, and
2. Solicit Disadvantaged Business Enterprises (DBE's) to allow them to compete for work on projects in conformance with EPA Regulations at 40 CFR Part 33 and Executive Orders 11625, 12138, and 12432.

**Included in these instructions are the steps to successfully perform your Architectural and Engineering (A&E) and Disadvantaged Business Enterprise (DBE) solicitation for this project. Please read them carefully. You will be satisfying both requirements at the same time.**

**As a funding recipient, you are responsible for soliciting DBE firms for any A&E procurement you will need to complete your part of the project.**

**DBE is a blanket term that covers both MBE and WBE firms.**

**All DBE solicitation must be documented.**

**Step 1: Create your evaluation criteria**

Write the criteria you will use to rate the submitted qualification.

Your evaluation criteria for the ranking of the submitted Request for Qualifications (RFQ) should be established so that ranking of the RFQs can be done. This information should be identified in the solicitation/announcement.

## **Step 2: Identify the DBE firms you intend to solicit**

### **How do you find DBE firms to solicit?**

The ONLY website required to be used is the DGS website, which is located at the following web address: <https://www.dgs.internet.state.pa.us/SmallDiverseBusinessSearch/>. DGS maintains a database that lists DBE firms throughout the state. This site includes both MBE and WBE firms. Any other websites you use or any other DBE firms you solicit are in addition to this requirement and do not need to be included in your documentation.

You will be soliciting DBE firms for A&E services.

### **How do you use the Department of General Services website?**

You will create a websearch for each procurement action.

On p. 6 of this help guide, you will see a DGS Keyword Search Reference. If the description you are searching for is included in this list, you will use the code listed to search by.

If the description you are searching for is not included in this list, you will click on the “Code Look Up” button to locate a code to search by.

### **How do you use the Code Lookup Button?**

- Go to <https://www.dgs.internet.state.pa.us/SmallDiverseBusinessSearch/>.
- Click on “Code Lookup Button”, which will bring you to the “Classification Code Criteria Selection” screen.
- Select the category (supplies=goods; subcontracts=service)
- Enter a description – do **not** be too specific. If your searches are too specific you may miss DBE firms that should be solicited.
- Click “Search” – do **not** click on “All Commodity Data to Excel” or “Search Results to Excel”
- “Classification Code Look Up Results” – Click on the most applicable Commodity Code. This will take you back to the screen you started on.

### **What if no results are found?**

- Make sure that you are not being too specific in your description.
- Try using another description.
- If the results are none, print this page to show that there are no commodity codes on the DGS website to match your procurement. Make sure that when you print the page that there is a date stamp on it.

### **Now that you have your commodity code(s) ...**

- Business Classification Code – You will either enter the code you found on p. 6 of this help guide or the code you selected using the “Code Lookup Button” will be automatically populated here.
- Do you want a listing of the companies who are assigned the sub-codes that fall under this specific category? This answer is defaulted to yes – do **not** change it.
- Vendor Name – Leave this blank.
- County – Leave this as ALL. It will take less of your time and paper to print a statewide search. Most searches do not take up more than one page.
- Small Diverse Business – Leave this as ALL.
- Items per page – It is recommended to leave this as 25. If you change it to a higher number, some of the information may be cut from the bottom of the page when printed or copied.
- Click “Search” – Do **not** click on “All Vendor Data to Excel” or “Search Results to Excel”.

### **No Vendor records were found for selection criteria!**

- If you see this message and have ensured that you did everything correctly, print this page and include it as part of your documentation. Make sure that a date stamp is printed on the page. Unless there is another commodity code you can use to search with, you have not found any DBE firms for this item and do not have to solicit for it.

### **List of DBE firms ...**

- You’ve clicked “search” and now have a list of DBE firms. You will print this list using the print option in your Internet browser. The date of the search will automatically populate on your printout. This automatically populated date is required to prove it is a current, valid search. A web search is considered current if it was printed within 90 days of the RFQ due date.
- Make sure to print ALL pages of your search. Most searches are only one page long, but if it is not, you will print all pages.

### **How many DBE firms do I have to solicit?**

- There is **not** a set number of DBE firms you have to solicit. You will include all *applicable* DBE firms in your solicitation.
- Your solicitation area consists of the project county and all of its surrounding counties.

### **You should print a DGS web search for each procurement action.**

## **DGS Keyword Search Reference**

We have listed below common DGS codes to help you in your use of the DGS website. Using these will give you a more accurate search of firms applicable to the project. If you have any questions regarding the suggested codes or need assistance with your searches, please do not hesitate to contact the Department at (717) 705-4090. It is important to develop accurate searches to help ensure a good faith effort.

### **Common Search Terms**

*(County should be ALL and Small Diverse Business should be ALL for all searches)*

Engineering Services:	81101500 (Civil Engineering)
	81100000 (Professional Engineering)
	81101508 (Architectural Engineering)

These are an example and by no means the entirety of what you may need to search for. Consider the type of engineering services required for these searches when using the DGS website.

### **Step 3: Create your DBE Solicitation Letter (sample on p. 8 of this help guide)**

#### **How do I solicit the DBE firms found on the DGS website?**

IN A WAY THAT WILL PRODUCE A CONFIRMATION RECEIPT (by fax or email) – Telephone calls or in-person contact are not considered part of a good faith effort as they cannot be confirmed. When using U.S. mail, certified mail receipts should be sent and kept.

Your solicitation letter should specifically describe the project; demonstrate a real desire for a positive response; and be sent in a timely manner to allow sufficient time (30 days) for firms to develop RFQs.

#### **Use your project description to create your solicitation letter.**

You will want to put the description of the project in your letter. Be sure to include pertinent information such as the RFQ due date and any pre-RFQ response meeting dates and requirements. Please note that any changes in RFQ due date, pre-RFQ response dates, or project descriptions will need to be communicated to the applicable DBE firms.

#### **Do I need to personalize the letters/faxes/emails?**

**NO**, you do not need to personalize the letters. It will save you time and resources to follow the example on p. 8 of this help guide.

#### **Documentation will be kept.**

If faxing, you should keep the fax transmittal logs. As long as you do not personalize the letters, a broadcast fax can be sent. If emailing, delivery receipts should be requested because read receipts will not always be sent back. If you are not sure what an email delivery receipt is, faxing is probably your best option. If your fax machine is not set up to generate a fax transmittal log, you should set it up to do so. If the fax number or email address does not work, you should call the DBE firm to obtain the correct fax number or email address to perform your solicitation. If sending certified mail, receipts should be kept.

#### **Follow up solicitation.**

You should send a second solicitation letter to any DBE firm who does not respond to the initial solicitation. The follow up solicitation can use the original solicitation letter with “SECOND NOTICE” typed across the top. The documentation rules above apply to the follow up solicitation as well.

The follow up solicitation letter should be sent out approximately one week after the initial solicitation letter, but before the pre-RFQ meeting, if applicable.

Any correspondence received from DBE firms should be kept.

#### **IMPORTANT**

The funding recipient’s DBE solicitation effort CANNOT be altered AFTER the contract has been awarded. Please contact the Department with any questions and/or concerns PRIOR to that date.

The Borough of XYZ

111 Main Street, Anytown, PA 11111  
(999) 999-9999  
FAX: (888) 888-8888

January 1, 20XX

DBE Architectural and Engineering Firms

Reference: Pressure Sewer Installation Project  
The Borough of XYZ, Any County, PA  
Initial DBE Contact

To Whom It May Concern:

The Borough of XYZ is issuing a Request for Qualifications (RFQ) for the above referenced project from professional engineering firms licensed in Pennsylvania. In conformance with Procurement Standards for wastewater Architectural and Engineering contracts under 40 USC 1101, the Borough is utilizing procedures for the procurement of professional engineering services required in the preparation of permit applications, plans and specifications for the following:

- Pressure Sewer Installation Project

This project is going to be funded in whole or part by a federal program. Solicitation of Disadvantaged Business Enterprise (DBE) firms is a requirement of this project. Accordingly, the Borough is soliciting RFQs for this project.

Enclosed please find a copy of the Advertisement for RFQ for the above project. Our goal is to receive a positive response from your firm regarding this project. Please check the boxes below to indicate if your firm is interested in providing qualifications on this project or not, and fax this page to our office at the above fax number.

DBE Firm Name \_\_\_\_\_

- We are interested in providing our qualifications for the Pressure Sewer Installation Project.  
 We are not interested in providing our qualifications for this project.

Submissions will be reviewed based upon the information requested and contained in the RFQ. The Borough will be interviewing, at minimum, the top three (3) candidates.

All qualified persons, firms, and candidates will receive consideration without regard to race, color, religious creed, ancestry, national origin, age, sex or disability under Presidential Executive Order Number 11246 regarding "Non-discrimination in Employment", and other applicable Federal regulations.

Submittals for the project are due no later than February 1, 20XX, so your prompt attention is necessary. Please contact Harry Abraham of our staff with any questions regarding this project. If you are not interested, we ask that you still fax this letter back to us indicating so by checking the appropriate box. Thank you for your time.

Sincerely,

Xavier Y. Zimmerman  
President

Enclosure

#### **Step 4: Announce your project**

The announcement for RFQs should be published at least 30 days prior to the due date of the RFQ to allow sufficient time for potential firms to submit their qualifications. Funding recipients should include the insert statement found below in the announcement. Announcements can be made in newspapers, trade journals, by direct solicitation and/or anywhere that publicly announces the RFQ. Announcement of the RFQ must be sufficient enough to generate, at minimum, three responses to comply with requirements of 40 U.S.C. 1101.

**Note:** The announcement of your project may be done at the same time you solicit the DBE firms. The solicitation of DBE firms is required to fulfill the requirements of EPA Regulations at 40 CFR Part 33 and Executive Orders 11625, 12138, and 12432.

- All general purpose solicitations (newspapers, trade journals, etc.) must include the statement (or equivalent) below:

##### **Federally funded projects –**

*This project may be federally funded by EPA financial assistance dollars and therefore requires all funding recipients to demonstrate compliance with federal procurement rules as identified in 40 U.S.C. 1101 et seq. as well as Executive Orders 11625, 12138, and 12432 and EPA Regulations at 40 CFR Part 33, through the detailed documentation of solicitation of Disadvantage Business Enterprises (DBEs). Funding Recipients must demonstrate the Six Good Faith Efforts to identify and solicit DBE firms that are potential sources for any procurement action in the areas of project construction, equipment, services, and supplies by including state qualified small businesses, and minority and women owned business enterprises in the bidding process.*

## **Step 5: Submit your proposed procurement actions to the Department for approval**

### **ALMOST DONE!**

Once Steps 1-4 have been completed and all your documentation is gathered, complete the Architectural & Engineering Services Procurement/Disadvantaged Business Enterprise (DBE) Compliance Statement (Form 3800-FM-BCW0517). An electronic version can be found on our website at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-12654>. Samples are on pages 11 & 12 of this help guide.

All of the applicable boxes will need to be checked off and signed by the authorized representative of the funding recipient.

### **Who do I submit my DBE compliance package to?**

You will submit your compliance package to the Department for review. See page 13 of this Help Guide for a checklist of what should be submitted.

### **Who will review my DBE compliance package?**

The Department staff will review your compliance package.

If they see any inconsistencies, they will either ask for an explanation or your project will be chosen for a full audit.

If your project is chosen for a full audit, you will need to submit all A&E and DBE documentation to the Department for review.

### **What is the difference between a compliance review and a full audit?**

#### Compliance Review

The information submitted to the Department for review is a snapshot of the documentation. As long as there are no inconsistencies in the compliance package, the time frame for review is 10 business days.

#### Full Audit

You will submit all of the documentation supporting the Architectural and Engineering Procurement and direct solicitation of DBE firms on behalf of the borrower. As long as there are no inconsistencies in the package, the time frame for review is 30 business days.





## ARCHITECTURAL & ENGINEERING PROCUREMENT/DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMPLIANCE STATEMENT INSTRUCTIONS

1. Advertisements must be adequate to generate proposals from at least three firms (using a locally-acceptable mix of advertisements in local newspapers, trade journals, notices to firms that previously did similar work for the applicant and other means). Advertisements must allow a minimum of 30 days to submit proposals.
2. Submit a copy of the initial and follow-up solicitation letters sent to DBE firms. Make sure that the dates of the letters are shown on the respective letter. Only one copy of each letter is necessary.
3. Evaluation criteria must be based on demonstrated competence and qualification for the type of professional services required (e.g., adequate resources, past performance, specialized experience and technical competence in the type of work required).
4. Include a copy of the evaluation criteria.
5. For each firm interviewed, retain a list of attendees, the date of the interview and a summary of what was discussed. At least three firms need to be interviewed.
6. List the firms considered most qualified and how they were ranked based on the evaluation criteria.
7. In the event that contract price and terms cannot be negotiated with the most highly qualified firm, negotiate with the other firms in order of qualification. If a firm other than the most qualified is selected retain the contract price and terms for the selected firm and for the higher-ranked firms that were not selected.
8. Retain copies of all documentation that supports the Architectural and Engineering Procurement as well as DBE solicitation effort for A & E services.

sample

## Checklist of what to Submit to the Department for Review

Unless your project was chosen for a full audit, you should **ONLY** submit the following information for review (this page is for your use and does not need to be submitted):

- Architectural & Engineering Procurement & DBE Compliance Statement** – One of these forms for the project should be submitted with an original signature.
- Copy of RFQ Advertisement** – A legible copy of the advertisement should be submitted.
- Copy of the Initial and Follow-Up Solicitation Letter for the Borrower's DBE Solicitation Efforts** – Only one copy of each letter is necessary.
- Copy of the Evaluation and Ranking** – Should be a list of the ranking and overall evaluation of the submitted qualifications.
- Copy of the Evaluation Criteria** – What criteria was used to evaluate the qualifications.
- Copy of the list of firms interviewed** – This may be the same as the list of the firms most qualified (must be at least three).
- Copy of the list of firms most qualified** – This may be the same as the list of firms interviewed (must be at least three).