



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Point and Non-Point Source Management

# **Prime Contractor DBE Solicitation Effort Help Guide**

The DBE solicitation process does not require you to hire a certain number of DBE firms and does not have goals. The purpose of the DBE solicitation requirement is to give DBE firms an opportunity to compete for work on the project.

**Included in these instructions are the steps to successfully perform your DBE solicitation for this project. Please read them carefully.**

**As a prime contractor, you are responsible for soliciting DBE (includes both MBE and WBE) firms for any procurements you will need to complete your part of the project.**

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

**For example, if you will be installing pipe with your own forces and you need to purchase pipe, you will need to solicit DBE pipe suppliers in the project area. Because you are installing the pipe yourself, you will not need to solicit subcontractors for this purpose.**

**All DBE solicitation must be documented.**

**Step 1: Will you need to purchase supplies, rent equipment or hire any subcontractors for this project?**

**If your answer is yes:**

Complete the Contract Procurement Breakdown form (3800-FM-BPNPSM0116). See Step 2 for more information.

**If your answer is no:**

Submit a letter with your bid stating that all work will be self-performed and all equipment and supplies are in stock. You will not be procuring any items for this project. Please contact the Department for a sample letter.

And then you are finished! DBE solicitation is not required if you have no procurement opportunities to offer.

If you find the need to procure items further into the project, you will follow the rest of the steps in this help guide.

**Step 2: Complete the Contract Procurement Breakdown Form**

(3800-FM-BPNPSM0116). An electronic version can be found at (www.depweb.state.pa.us) (Sample on p. 5)

**What do you need for this project?**

Construction Section – List any construction required for this contract and indicate whether it is to be self-performed or subcontracted. If it is to be subcontracted, indicate whether the estimated cost is greater or less than \$750,000.

Equipment Section – List any equipment required for this contract and indicate whether it will be purchased, is already owned, or will be rented. If it is to be rented or purchased, indicate whether the estimated cost is greater or less than \$750,000.

Services Section – List any service required for this contract and indicate whether it will be self-performed or subcontracted. If it is to be subcontracted, indicate whether the estimated cost is greater or less than \$750,000.

Supplies Section – List all supplies required for this contract and indicate whether it will be purchased or is part of your in-house stock. If it is to be purchased, indicate whether the estimated cost is greater or less than \$750,000.

Any items you already have in stock should not be solicited for.

Any work you are performing yourself should not be solicited for.

List one item per line to avoid confusion. Use more than one form if necessary (if more than one form is necessary, please fill out each form completely).



## Contract Procurement Breakdown

|   |                         |
|---|-------------------------|
| PROJECT NAME: XYZ Borough                 | CONTRACT NO.: 1         |
| CONTRACTOR NAME: Any Construction Company | Prepared by: John Smith |

For each contract associated with the above project, the contractor must list all construction, equipment, services and supplies utilized under the individual contract, and provide the procurement method used to obtain each item. Attach additional sheets if necessary. Each item listed below as being subcontracted, rented, or purchased should be used as the criteria for the DGS Web site printouts and the development of the solicitation letter.

| CONSTRUCTION   | List Work Trade or Task     | Estimated Item Cost ≥ \$750,000                                     | Self-perform                        | Subcontract                         | For DEP Use Only         |                  |
|--|-----------------------------|---|-------------------------------------|-------------------------------------|--------------------------|------------------|
| Some Examples:<br>Trucking, Paving, Excavation, Concrete Curb and Sidewalk, Installation of Pipe, Fence and Rebar, Painting, Roofing, etc.   | Paving                      | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
| EQUIPMENT  | List All Equipment Required |   | Purchase                            | Own                                 | Rent                     | For DEP Use Only |
| Some Examples:<br>Controls and Instrumentation, Pumps, Generators, Storage Tanks, Conveyors, Backhoe, Crane, etc.  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
| SERVICES   | List All Services Required  |   | Self-perform                        | Subcontract                         | For DEP Use Only         |                  |
| Some Examples:<br>Construction Inspection and Observation, Materials Testing, Engineering, Flagging, Construction Photography, etc.  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                  |
| SUPPLIES   | List All Supplies Required  |   | Purchase                            | In-house Stock                      | For DEP Use Only         |                  |
| Some Examples:<br>Asphalt, Concrete Stone, Pipe, Valves, Manholes, Rebar, Steel Doors, Trusses, Lumber, Silt Fence, Wire, Conduit, Water Meters, Rain Barrels, Dirt and Gravel, etc. | Manholes                    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |
|  |                             | <input type="checkbox"/> Yes <input type="checkbox"/> No            | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |                  |

**Step 3: Department of General Services (DGS) website**  
**(<http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx>).**

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

The ONLY website required to be used is the DGS website. 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.

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

Using your Contract Procurement Breakdown, you will create a websearch for each item marked as rent, purchase, or subcontract.

On p. 8 of this help guide, you will see a DGS Keyword Search Help Reference. If the item you are searching for is included in this list, you will use the code listed to search by.

If the item 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 <http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx>.
- 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.
- 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 item.

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

- Business Classification Code – You will either enter the code you found on p. 7 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. 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 websearch is considered current if it was printed within 90 days of the bid opening.
- 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.
- If the estimated cost of your procurement item or subcontract will be less than \$750,000, your solicitation area consists of the project county and all of its surrounding counties.
- If the estimated cost of your procurement item or subcontract will be more than \$750,000, or if the item or subcontract is considered specialized, your solicitation area consists of the entire state.
- Please remember the estimated cost is based on each procurement item or subcontract, not the total amount of the contract.

**You should print a DGS websearch for each item marked as rent, purchase, or subcontract on your Contract Procurement Breakdown form.**

## DGS Keyword Search Help 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 used by Grant/Loan Recipients

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

|  |  |
|--|--|
| Legal Services:                          | 94131603 (Legal Assistance Services)   |
| Engineering Services:                    | 81101500 (Civil Engineering)   |
| Drinking Water/Sewer Prime Contractors:  | 83101500 (Water & Sewer Utilities)<br>72131700 (Infrastructure Construction) |
| Prime Contractors for Pipe Installation: | 78102100 (Pipeline Services)   |
| Electrical Prime Contractors:            | 72102200 (Electrical Services)   |
| Plumbing Prime Contractors:              | 72102300 (Plumbing & Heating & Air Conditioning)                             |

### Common Search Terms used by Prime Contractors for Supplies/Subcontracts

*(County should be ALL and MBE/WBE should be ALL for all searches)*

#### If searching for supplies:

ready-mix concrete  
30111505 (ready-mix concrete)

pipe  
40142100 (pipe)  
40142300 (pipe fittings)

paint  
31211500 (paints and primers)

stone  
11111600 (stone)

electrical supplies  
25173900 (electrical components)  
26121500 (electrical wire)

landscaping supplies  
30120000 (roads & landscape)  
21100000 (agricultural & forestry & landscape)

manholes  
30121605 (manhole frames with covers)

pumps  
40151500 (pumps)

#### If searching for subcontractors:

concrete  
72101700 (concrete work)  
73121805 (concrete or aggregates or stone products)

pipe  
78102100 (pipeline services)

paving  
72131701 (highway or road paving or surfacing)

excavation  
71122307 (subsea dredging, trenching & excavation)  
72103000 (site preparation)

landscaping  
72102902 (landscape services)

boring  
73181007 (boring services)

electrical  
72102200 (electrical services)

plumbing/hvac  
72102300 (plumbing & heating & air conditioning)

#### If searching for the following:

trucking  
78101801 (local area trucking service)  
78101802 (regional or national trucking services)

video/photography  
82131601 (Aerial photography services)

equipment rental  
47101500 (water treatment & supply equipment)

surveying  
81151604 (land surveying)

flagging  
46161500 (traffic control)

water meters  
41112504 (water meters)

inspection  
81141807 (plumbing or sewer inspection services)

rain barrels  
24112102 (barrels)



#### **Step 4: Create your Solicitation Letter (sample on p. 10)**

##### **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. When using U.S. mail, certified mail receipts should be sent and kept.

Your solicitation letter should specifically describe the goods or services that are being solicited; demonstrate a real desire for a positive response; and be sent in a timely manner to allow a sufficient time (7-10 days) to develop quotes, with the due date clearly stated.

##### **Use your Contract Procurement Breakdown form to create your solicitation letter.**

For example, if you have on your Contract Procurement Breakdown form that you will be purchasing pipe, then pipe should be listed on your solicitation letter.

##### **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. 10 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 a 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 did 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 4-5 days after the initial solicitation to give DBE firms enough time to respond to the initial solicitation.

Any correspondence received from DBE firms should be kept, including quotes.

**Any Construction Company**  
**111 Main Street, Anytown, PA 11111**  
**(444) 444-4444**  
**FAX: (333) 333-3333**

January 10, 20XX

DBE Firms

To Whom It May Concern:

Our company is preparing to bid on Contract No. 1 of the XYZ Borough project. This contract involves \_\_\_\_\_.

This project is being funded or may be funded in part by a federal program. Solicitation of Disadvantaged Business Enterprise (DBE) firms is a requirement of this project. Accordingly, our company is soliciting quotations for the following:

**Subcontracts:**

paving

**Equipment and Supplies**

manholes

Our goal is to receive a positive response from your firm regarding any or all of the above items. Please check the boxes below to indicate if your firm is interested in submitting a quote or not, and fax this page to our office at the above fax number.

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

We are interested in providing a quote for \_\_\_\_\_.

We are not interested in providing a quote for these items.

Plans and specifications are available for inspection at our office located at the above address. They are also available for inspection and purchase at \$\_\_\_\_\_ per set at the consulting engineer's office, ABE Engineering Corporation, 333 North Street, Penntown, PA 11113, (777) 777-7777.

Subcontractors on this project will be required to comply with all applicable regulations, including Presidential Executive Order Number 11246 regarding "Non-discrimination in Employment", and other applicable Federal regulations. These requirements are explained in the project specifications.

Quotes for the project are due no later than January 20, 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,

John Smith  
President

**Step 5: Prime Contractor DBE Compliance Statement**  
(3800-FM-BPNPSM0119). An electronic version can be found on our website  
([www.dep.state.pa.us](http://www.dep.state.pa.us)) (sample on p. 12)

**ALMOST DONE!**

Once Steps 1-4 have been completed and all of your documentation gathered, the owner of the company should complete the Prime Contractor DBE Compliance Statement.

All of the applicable boxes will need to be checked off.

**When do I submit my DBE documentation package?**

This depends on the project. The grant/loan recipient will either ask for it to be submitted with your bid or after they have determined the low bidder(s) for the project.

**Who will review my DBE documentation package?**

The initial review of your DBE documentation will be performed by the grant/loan recipient.

If the grant/loan recipient sees any inconsistencies, they will ask you to fix them. If the grant/loan recipient does not find any inconsistencies, **part** of your DBE documentation will be submitted to the Department for review.

The only pages that the Department initially receives are:

- Prime Contractor DBE Compliance Statement
- Contract Procurement Breakdown
- Initial and follow up solicitation letter

The Department will do a compliance review and will not initially review the DGS websearches or the fax/email documentation. It is important that the items listed on the Contract Procurement Breakdown form match your solicitation letter.

If the project is selected for a full audit, the Department may ask the grant/loan recipient to submit all DBE solicitation documentation, including the identified low bidders' documentation, for review.



**PRIME CONTRACTOR DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
COMPLIANCE STATEMENT**

**CONTRACTOR NAME:** Any Construction Company

**GRANT/LOAN RECIPIENT NAME:** XYZ Borough

**CONTRACT NUMBER:** 1

Date of Initial Solicitation 01/10/20XX

Date of Follow-up Solicitation 01/15/20XX

Date of Search 01/10/20XX

Counties Searched Erie, Crawford, and Warren

Solicited by  email  fax

**Please submit the following items, along with this form, to the Grant/Loan recipient.**

- Grant/Loan recipient has been provided copies of all documentation that supports the direct search for and solicitation of potential participation of DBE firms in the competitive process to be retained on file for review. This includes the documentation related to web searches, contact correspondence, and contact logs.
- Copies of any quotes received from DBE firms in response to solicitation efforts are attached.
- Contract Procurement Breakdown Form

As the owner for the above named company, I certify that the six good faith efforts have been performed in conformance with DBE regulations 40 CFR 33.301. All efforts have been properly documented as outlined in the DBE Guidance Document. All documentation has been supplied to the above named grant/loan recipient to be retained in accordance with applicable record retention requirements under the financial assistance agreement for the above named project. I understand that such documentation is subject to an audit review by the US Environmental Protection Agency or the Pennsylvania Department of Environmental Protection, Division of Technical and Financial Assistance to further ensure compliance. I understand that by signing this statement that the DBE regulations 40 CFR 33.105 include compliance and enforcement provisions to which the grant/loan recipient and sub-recipients are subject. I understand by signing this statement that the DBE regulations 40 CFR 33.302 include additional contract administrative requirements that I must comply with.

\_\_\_\_\_  
Signature of Owner

02/01/20XX  
Date

John Smith  
Printed Name of Owner

**MAIL TO:** Grant/Loan recipient

## **Step 6: Checklist of what to Submit to the Grant/Loan Recipient for Review**

**You should submit ALL of the following to the grant/loan recipient to prove your compliance with the DBE solicitation requirement.**

- Prime Contractor DBE Compliance Statement** – One of these forms for each contract should be submitted with an original signature.
- Prime Contractors' Contract Procurement Breakdown Form** – Ensure that all items listed as subcontract, rent, or purchase match the items listed on the solicitation letter.
- Copies of all DGS Websearches** – There should be one websearch for each item listed as subcontract, rent, or purchase on the Contract Procurement Breakdown form. The websearches should be done by item, not by searching for all DBE firms in the county.
- Copies of the Initial and Follow-Up Solicitation Letters** – It is recommended to follow the example on p. 10.
- Fax Transmittal Logs, Email Delivery/Read Receipts, and/or Certified Mail Receipts** – Proof of an initial and follow up solicitation should be submitted for each applicable DBE firm found on the DGS websearches in the project area.
- Correspondence Received, Including Quotes, from Solicited DBE Firms** – If applicable, any correspondence, including quotes, should be submitted.