



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Point and Non-Point Source Management

Grant/Loan Recipient's Review of the Prime Contractor's Solicitation Effort Help Guide

The grant/loan recipient is required to review the identified low bidders' DBE solicitation effort to determine the prime contractors' compliance with the DBE requirements.

Included in these instructions are the steps to successfully perform the review of the identified low bidders' DBE solicitation effort(s) for this project. Please read them carefully. Please also read the "Prime Contractor DBE Solicitation Effort Help Guide" contained in this guidance before following these instructions to familiarize yourself with the process.

Four important reminders when reviewing the identified low bidders' solicitation effort:

- 1. DBE is a blanket term that covers both MBE and WBE firms.**
- 2. All DBE solicitation must be documented.**
- 3. Most prime contractors' DBE solicitation efforts can be corrected to meet compliance after the bid opening date as long as no awards have been made.**
- 4. Whenever you are unsure of any information presented to you during the review of the identified low bidders' effort, please contact the Department for further instruction and/or recommendation.**

Step 1: Ensure that all Documentation has been Provided by the Identified Low Bidder(s)

- Completed and signed Prime Contractor Disadvantage Business Enterprise (DBE) Compliance Statement with an original signature.
- Completed Contract Procurement Breakdown form.
- Printed Department of General Services (DGS) website search results (this includes printed pages that have "***no results found***") with auto populated date on each printout to ensure that the searches performed are current (within 90 days of the bid opening).
- Copies of initial and follow-up solicitation letters.
- Copies of email delivery/read recipients, fax transmittal logs, and/or certified mail receipts.
- Any correspondence, including quotes, received from the solicited DBE firms.

NOTE: If the prime contractor will be completing all contract requirements with in-house supplies and company work force, a letter of self-performance is required instead of the above listed prime contractor items. Please contact the Department for a sample letter.

Step 2: Review the Contract Procurement Breakdown Form

The completed Contract Procurement Breakdown form should list all construction, equipment, services, and supplies needed for the contract. Any item listed as subcontract, rent, or purchase should be included in the identified low bidders' solicitation effort.

Step 3: Review the DGS Search Result Pages

- There should be a DGS search for each item listed as subcontract, rent, or purchase from the Contract Procurement Breakdown form. Printed search pages that say "no results found" count as a search result. If there is not a DGS websearch for each item, the missing DGS websearch(s) should be requested from the identified low bidder.
- Ensure that the criteria used to generate the DGS websearch was accurate and that the DGS websearch was printed within 90 days of the bid opening. If it is not, an accurate and current websearch should be requested from the identified low bidder.
- If a new DGS websearch was necessary and requested, and additional applicable DBE firms appear in the project area, those additional firms should be solicited and documentation submitted to the grant/loan recipient for review.
- Ensure that all DGS websearch pages are legible.

Step 4: Review the Initial and Follow-up Solicitation Letter

The DBE solicitation letter should specifically describe the goods or services that are being solicited, clearly state the due date, 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.

- Using the Contract Procurement Breakdown form, ensure that all items listed as subcontract, rent, or purchase are listed on the solicitation letter. Some prime contractors will do a separate solicitation letter for each procurement item as opposed to listing all procurement items on one solicitation letter. In this case, ensure there is a solicitation letter for each item. Please note that if the DGS websearch for that item returned no results, that item may not be listed on the solicitation letter, which is acceptable.
- If there is an item from the Contract Procurement Breakdown form listed as subcontract, rent, or purchase and there is a DGS websearch for that item with results, but that item is not on the solicitation letter, you will need to contact the prime contractor and instruct them to perform a solicitation for that item.
- If there is an item on the solicitation letter that is not listed on the Contract Procurement Breakdown form as subcontract, rent, or purchase, you will need to ensure there is a DGS websearch for that item. The item will also need to be added to the Contract Procurement Breakdown form.
- The follow-up solicitation letter should be identical to the initial solicitation letter, although the due date may be different and should have "SECOND NOTICE" typed or written across the top.

Step 5: Review Fax Transmittal Logs, Email Delivery/Read Receipts, and/or Certified Mail Receipts

For this step, you will need to have the DGS websearch results to compare to the fax transmittal logs, email delivery/read receipts, and/or certified mail receipts.

- There should be an initial fax transmittal log, email delivery/read receipt, and/or a certified mail receipt for all applicable DBE firms from the DGS websearches in the project area.
 - For items under \$750,000, the project area consists of the project county and all of its surrounding counties
 - For items over \$750,000, or if the item or subcontract is considered specialized, the project area consists of the entire state.
 - Please remember, the estimated cost is based on the procurement item or subcontract, not the total amount of the contract.
 - It will be indicated on the Contract Procurement Breakdown form whether or not the item cost is estimated to be under or over \$750,000.
- For any solicited DBE firm that did not respond to the initial solicitation, there should be a follow-up fax transmittal log, email delivery/read receipt, and/or certified mail receipt.
- If any of this documentation is missing, you should request it from the prime contractor. If they are unable to provide the requested documentation, you should instruct them to perform the solicitation and turn in the documentation for your review.
- This should be done before you submit your DBE compliance package to the Department.

Step 6: Now that you have Completed your Review

Once you have completed your review of the identified low bidders' DBE solicitation effort and have determined that they are in compliance, you will keep all documentation on file in the event a full audit is requested. The following information from the prime contractors' DBE solicitation effort should be included in the DBE compliance package submitted to the Department:

- Prime Contractor's DBE Compliance Statement with an original signature
- Prime Contractor's Contract Procurement Breakdown form
- One copy of the initial solicitation letter and one copy of the follow-up solicitation letter. If there is a separate solicitation letter for each item on the Contract Procurement Breakdown form, one copy of the initial solicitation letter and one copy of the follow-up solicitation letter should be submitted for each item. If an item from the breakdown was not listed on the solicitation letter because the DGS websearch returned no results, please include an explanation with your DBE compliance package.

Any questions you have during the review should be directed to the Department (717) 705-4090.