

# **Guidance on the Solicitation of Disadvantaged Business Enterprise (DBE) Firms**

**381-5511-014**



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Bureau of Water Standards and Facility Regulation**

**DOCUMENT NUMBER:** 381-5511-014

**TITLE:** Disadvantaged Business Enterprise (DBE) Firm Solicitation Guidance

**EFFECTIVE DATE:** May 1, 2009

**AUTHORITY:** 40 CFR Part 30, et al., Title 25 Pa. Code, Chapters 71, 963, 965 and 40 CFR Part 30, et al.

**POLICY:** It is the responsibility of the Pennsylvania Department of Environmental Protection (PADEP) to implement the requirements for solicitation of Disadvantaged Business Enterprise (DBE) firms to participate in the Clean Water and Drinking Water State Revolving Fund programs, Special Appropriation Act Projects, or other potential federally funded programs in conformance with the program operating agreement among PADEP, the Pennsylvania Infrastructure Investment Authority (PENNVEST), and the Environmental Protection Agency (EPA).

**PURPOSE:** To provide guidance to recipients of federal grant or loan funds under the State Revolving Loan Fund and the Special Appropriation Act Programs to ensure compliance with Disadvantage Business Enterprise Program contract administration requirements

**APPLICABILITY:** This guidance will apply to all recipients of EPA financial assistance and other federally funded assistance programs.

**DISCLAIMER:** The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 31 pages

**LOCATION:** Volume 27, Tab 53

**DEFINITIONS:**

Disadvantaged Business Enterprise (DBE) – are entities owned and/or controlled by a socially and economically disadvantaged individual(s). DBE entities include Small Business Enterprise (SBE), Small Business in a Rural Area (SBRA), Labor Surplus Area Firm (LSAF), Historically Underutilized Business (HUB) Zone Small Business Concern, or a concern under a successor program.

Minority Business Enterprises (MBE) – are entities that are at least 51 percent owned and/or controlled by a socially and economically disadvantaged individual.

Women's Business Enterprises (WBE) – are entities that are at least 51 percent owned and/or controlled by women.

Recipient – the entity that receives federal grant or loan funds under the State Revolving Loan Fund and/or the Special Appropriation Act Programs.

Prime Contractor – the entity contracted for work with a recipient that receives federal grant or loan funds under the State Revolving Loan Fund, the Special Appropriation Act Programs, and other federally funded programs.

Specialized Services – services that are specific to the use/design/installation/construction of technology/equipment related to a special line of work.

Postings – notifications of forthcoming opportunities on the project that are submitted to organizations, such as Dodge Report, Minority Business Development Agency, and SUB-Net, who provide services and outreach to DBE firms. Postings by such agencies typically must occur at least thirty (30) days prior to bid opening

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## **DISADVANTAGED BUSINESS ENTERPRISE (DBE) FIRM SOLICITATION REQUIREMENTS**

### **I. WHAT ARE THE REQUIREMENTS?**

Pursuant to 40 CFR, Section 33.301, the recipients of federal funds must provide DBE firms with the opportunity to compete for procurement opportunities by applying the Six Good Faith Efforts.

Pursuant to 40 CFR, Section 33.105, the recipients and subrecipients of federal funds are subject to compliance and enforcement provisions for failure to comply with any requirements.

Pursuant to 40 CFR, Section 33.501, the recipients of federal funds must maintain all records documenting its compliance with the requirements.

Pursuant to 40 CFR, Section 33.302, the recipients of federal funds are subject to additional contract administration requirements.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) may also require applicants to follow the DBE firm solicitation requirements in order to receive state funds.

### **II. HOW DO YOU COMPLY WITH THE REQUIREMENTS?**

Compliance with the DBE solicitation requirements is done by timely applying the Six Good Faith Efforts. It is necessary for the Six Good Faith Efforts to be documented in detail by both the grant/loan recipient and prime contractor(s) who participate in the project. Documenting the Six Good Faith Efforts requires the use of the Pennsylvania Unified Certification Program (PA UCP) Web site ([www.paucp.com](http://www.paucp.com)) to identify DBE firms as potential sources for the procurement of project construction, equipment, services, and supplies. Grant/loan recipients and prime contractor(s) are required to prepare and maintain detailed documents that show and support compliance and understanding of the DBE regulation 40 CFR, Section 33.301, Section 33.105, Section 33.501, and Section 33.302.

Grant/loan recipients and prime contractor(s) are required to submit a Compliance Statement with supporting documentation to the Pennsylvania Department of Environmental Protection (PADEP) to show conformance and understanding of DBE Regulation 40 CFR, Section 33.301, Section 33.105, Section 33.501, and Section 33.302. Submission of the Compliance Statement is necessary for the grant/loan recipient to receive a notice to proceed with the project from PADEP. *\*Note: Refer to Section VI, Compliance Statement Review, for more detail.*

Grant/loan recipients should be aware that the submission of a Compliance Statement may result in PADEP requesting all records that show the detailed application of the Six Good Faith Efforts.

To ensure that the proper steps are taken to document in detail the timely application of the Six Good Faith Efforts, grant/loan recipients and prime contractor(s) are encouraged to contact PADEP prior to the solicitation process, which must occur before the bid opening date.

*\*Note: Grant/loan recipients refer to Section IX, Recipient Compliance Documents; prime contractor(s) refer to Section X, Prime Contractor Compliance Documents, for more detail on required documentation.*

As part of compliance with the DBE regulation, grant/loan recipients are to retain all records that document the DBE solicitation process for both themselves and prime contractor(s).

*\*Note: Refer to Section IV, How Long and What Records Must Be Retained, for more detail.*

As part of the compliance with the DBE regulation, grant/loan recipients are subject to a number of Contract Administrative Requirements designed to prevent unfair practices that adversely affect DBE firms. *\*Note: Refer to Section V, What are the Contract Administrative Requirements, for more detail.*

### **III. WHAT ARE THE SIX GOOD FAITH EFFORTS?**

The Six Good Faith Efforts are required methods used by all EPA or financial assistance agreement recipients to ensure that DBEs have the opportunity to compete for procurements funded by EPA financial assistance dollars. Compliance with the Six Good Faith Efforts does not require recipients to select and use a DBE firm.

- Ensure DBE firms are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities.
- Make information on forthcoming opportunities available to DBE firms in a way that encourages and facilitates participation by DBE firms in the competitive bid process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- Consider in the contracting process whether firms competing for large contracts could subcontract with DBE firms. This will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBE firms in the competitive bid process.
- Encourage contracting with a group of DBE firms in a combined effort to meet project requirements when a contract is too large for one of these firms to handle individually.
- Use the services and assistance of the Pennsylvania Unified Certification Program (PA UCP) Web site to perform the direct search and solicitation of DBE firms that are potential sources for participation of contracting opportunities. Search criteria are determined by the dollar amount of the contract(s) for which solicitation is being done. For contracts under \$750,000, solicit first in the county of the project and then the counties surrounding the project area. For contracts \$750,000 or greater or in cases where the construction, equipment, services, and/or supplies are specialized services or equipment, then the entire state must be solicited.
- If the prime contractor will award work to subcontractors or purchases supplies, require the prime contractor to follow the five steps above.

#### IV. HOW LONG AND WHAT RECORDS MUST BE RETAINED?

Record retention is determined by the applicable record retention requirements for the recipient's financial assistance agreement. Therefore, recipients of the Clean Water and Drinking Water State Revolving Fund programs are required to retain records for a period of a minimum of four (4) years after final amortization. Recipients of the Special Appropriation Act Projects are required to retain records for a period of a minimum of three (3) years following submission of the final expenditure report.

#### V. WHAT ARE THE CONTRACT ADMINISTRATIVE REQUIREMENTS?

The following are contract administrative requirements designed to prevent unfair practices that adversely affect DBE firms.

- A recipient must require its prime contractor(s) to pay its subcontractors for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient.
- A recipient must be notified in writing by its prime contractor(s) prior to any termination of a DBE subcontractor for convenience by the prime contractor.
- If a DBE subcontractor fails to complete work under the subcontract for any reason, the recipient must require the prime contractor to use the Six Good Faith Efforts when soliciting a replacement subcontractor.
- A recipient must require its prime contractor to use the Six Good Faith Efforts even if the prime contractor has achieved its fair share objectives.

Along with the aforementioned contract administrative requirements, recipients and prime contractor(s) participating in the project are subjected to the use of three Contract Administrative forms. Each form is designed to report use or intended use of a DBE firm for project procurement opportunities. Each form has an intended user and use, which are as follows:

- EPA Form 6100-2, *DBE Program Subcontractor Participation Form*. Grant/loan recipients are to provide this form to their prime contractor(s) who are then responsible for providing this form to any DBE subcontractors for completion. This form gives DBE firms that have been awarded a subcontracting opportunity by the prime contractor(s) the opportunity to describe the work received from the prime contractor, the amount paid for the subcontract, and any other concerns that the DBE subcontractor may have. This form is submitted directly to: DBE Coordinator, US EPA Region 3, 1650 Arch Street (3PM00), Philadelphia, PA 19103-2029
- EPA Form 6100-3, *DBE Program Subcontractor Performance Form*. Grant/loan recipients are to provide this form to their prime contractor(s) who are then responsible for providing this form to DBE subcontractors for completion to identify any work that may be obtained by the prime contractor from the DBE subcontractor for procurement opportunities associated with the project. Prime contractor(s) are to include any forms received from DBE subcontractors with the submission of the bid or proposal package.

- EPA Form 6100-4, *DBE Program Subcontractor Utilization Form*. Grant/loan recipients are to provide this form to prime contractor(s) for completion. Prime contractor(s) are to use this form to report any intended use of DBE subcontractors and the dollar amount of the intended subcontract.

## **VI. COMPLIANCE STATEMENT REVIEW**

Compliance review is the process by which PADEP may issue the grant/loan recipient a notice to proceed with the project. Grant/loan recipients must submit the required documents listed on the Grant/Loan Recipient DBE Compliance Statement, confirming that they have timely applied the Six Good Faith Efforts and met the DBE solicitation requirements as outlined in this PADEP DBE Guidance Document. The written confirmation must also include the understanding and awareness of the compliance and enforcement provisions, recordkeeping requirements, and the contract administration requirements to which they are subject to, pursuant to 40 CFR, Section 33.105, Section 33.501, and Section 33.302.

Such written confirmation is done by completing the applicable DBE Compliance Statement found in the forms section of this document. The DBE Compliance Statement must have the original signature of the authorized representative for the grant/loan recipient and of the owner for the prime contractor(s). DBE Compliance Statements must be submitted to PADEP with all necessary attachments as outlined on the form.

Grant/loan recipients and prime contractor(s) should be aware that PADEP reserves the right to ask for the submission of all documents that support conformance with the DBE solicitation requirements as outlined in this PADEP DBE Guidance Document. The selection for a full compliance review is random; however, certain criteria may subject a grant/loan recipient to a full compliance review. These criteria include, but are not limited to:

- Grant/loan amount
- Failure to contact PADEP prior to performing the Six Good Faith Efforts
- Past compliance history with the Six Good Faith Efforts. *\*Note: Past history can be on the part of the grant/loan recipient, the engineering firm, and/or the prime contractor(s) identified on the Compliance Statement.*
- Missing or inconsistent information that is required to accompany the Compliance Statement.

## **VII. WHAT HAPPENS IF COMPLIANCE IS NOT MET?**

Failure to comply with the Six Good Faith Efforts subjects a recipient to compliance and enforcement provisions that include; but are not limited to, debarment, termination of available funds, fines, and/or imprisonment. Such enforcement is pursuant to 40 CFR Parts 30, 31, and 35 as appropriate or any other action by law including, but not limited to the enforcement under 18 U.S.C. 1001 and/or Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).

## **VIII. PROJECT SPECIFICATION DOCUMENTATION**

All projects funded by federal financial assistance dollars are required to comply with the Six Good Faith Efforts to solicit the business of DBE firms for project participation. Applicants



shall include the insert found below in bid specifications as well as make this DBE Firm Solicitation Guidance document available to all potential bidders. It is also recommended that all contract administration forms, 6100-2, 6100-3, and 6100-4 found in *Section XIII, Forms Associated with the DBE Regulations*, be included in the project specifications.

➤ Insert Statement:

This project is being federally funded by EPA financial assistance dollars and therefore requires all contractors to demonstrate compliance with federal Executive Orders 11625, 12138, and 12432 and EPA Regulations at 40 CFR Part 30, et al., through the detailed documentation of solicitation of Disadvantage Business Enterprises (DBEs). Contractors 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.

## IX. GRANT/LOAN RECIPIENT DOCUMENTATION

The retention of all documentation related to DBE solicitation on behalf of the grant/loan recipient is required and may be requested by PADEP for compliance review. This documentation includes:

- Copies of all advertisements and postings of solicitation for bids or proposals on the project.
  - Advertisements must include a statement that the project is federally funded and demonstrating the Six Good Faith Efforts to identify and solicit DBE firms for the procurement of project construction, equipment, services, and supplies is a requirement for all participants.
  - Advertisements must provide sufficient time between the advertisement date and the bid due date to allow adequate time for potential bidders to assess the needs of the project, make an adequate and affirmative effort to identify and solicit DBE firms, and prepare their bid. A minimum of 30 days is recommended.
- A copy of the certified bid tabs listing the contractors with their corresponding quotes.
  - Even if withdrawn, all bids must be documented on the certified bid tab.
  - If bid proposals are itemized, then the bid tab must be itemized; if the bid proposals are lump sum, then the bid tab must be lump sum.
- EPA Form 4700-4, *Pre-award Compliance Review Report*, can be found under *Section XIII, Forms Associated with the DBE Regulations*.
- EPA Form 6100-2, *DBE Program Subcontractor Participation Form*, can be found under *Section XIII, Forms Associated with the DBE Regulations*.

- EPA Form 6100-3, *DBE Program Subcontractor Performance Form*, can be found under *Section XIII, Forms Associated with the DBE Regulations*.
- EPA Form 6100-4, *DBE Program Subcontractor Utilization Form*, can be found under *Section XIII, Forms Associated with the DBE Regulations*.
- Copies of all documentation that supports the direct search for and solicitation of potential participation of DBE firms in the competitive process. The documentation of the grant/loan recipients' DBE solicitation effort is for prime contracts only, unless the procurement of supplies, services, and equipment are necessary due to the nature or process by which the project will be completed. Documenting the direct search for and solicitation of DBE firms includes the following five aspects:
  - Web Searches: Recently generated search results obtained by using the Web site services of PA UCP ([www.paucp.com](http://www.paucp.com)). It is recommended that searches performed on the PA UCP Web site be done by using the keyword search function. Searches should be performed with the express intent of searching for prime contractor(s) for construction, equipment, services, and supplies as applicable to the project. Keyword searches for prime contracts are more general (i.e., water, engineering, etc.). *Note: For more detail on keyword searches see Section XII, Reference Section, PA UCP, keyword search: Help Guide.*
  - A recent DBE search is a period no longer than ninety (90) days prior to bid opening. When using the PA UCP Web site, the generated list should be printed out using the print key at the top of the results page; **do not use** the "Download Search Results" function. Printouts of the search results should contain the following:
    - Keyword(s) used to perform the search (for PA UCP).
    - The URL address with the date the search was performed.  
(Results should be printed even when there are "no results" for the keyword(s) and code(s) search performed.)

The criteria for searching the PA UCP Web site are based on the following:

- For contracts under \$750,000, solicit first in the county of the project and then the counties surrounding the project area.
- For contracts \$750,000 or greater or in cases where the construction, equipment, services, and/or supplies are specialized services, then the entire state must be solicited. Solicitation beyond the state of Pennsylvania is not a requirement.
- Contact: Contact in the form of a solicitation letter made to all DBE firms found using the Web site services of PA UCP in which construction, equipment, services, and supplies are found to have an association to the project needs. Contact must include at least one follow-up to the initial solicitation letter. Contact must be made using a verifiable means of communication such as fax or e-mail. The solicitation letter sent to DBE firms does not have to be personalized;

however, it should be specific in identifying the contracting opportunities for which participation is being sought. Verification in the form of fax transmittal logs, if sent by fax; or e-mail delivery and/or read receipts, if sent by e-mail are to be submitted. *Please note that telephone calls and in person contact are not acceptable forms of documented contact.* A single copy of the solicitation letter for the initial and follow-up contact that was sent to DBE firms, whether faxed or e-mailed, should be submitted.

- Contact Log: A summary contact log that provides a record of the dates and the method used to contact DBE firms found on the generated search lists that have an association to the project needs must be recorded. Contact with DBE firms can be marked directly on the generated search list by indicating in the margins the dates and method of contact by which contact was made. If contact was not made with a DBE firm found on the generated search list, make a note in the margin indicating the reason. If contact with a DBE firm that has the potential for project participation is not made, a valid reason must be given. Examples of a valid reason include the following but are not limited to: a prior documented negative experience with the firm or a firm out of the solicitation area. Any questions regarding the validity of a reason should be directed to PADEP.
- DBE Documentation by the Prime Contractor: Documents that support the efforts of prime contractor(s) in the direct search and solicitation of potential participation of DBE firms in any procurement opportunities.

## X. PRIME CONTRACTOR DOCUMENTATION

The submission of all documentation to the grant/loan recipient is required.

- Copies of all documentation that supports the direct search for and solicitation of potential participation of DBE firms in the competitive process. This includes the following four aspects:
  - Web Searches: Recently generated search results obtained by using the Web site services of PA UCP ([www.paucp.com](http://www.paucp.com)). It is recommended that searches performed on the PA UCP Web site be done by using the keyword search function. Searches should be performed with the express intent of searching for subcontracting opportunities for construction, equipment, services, and supplies as applicable to the project. Solicitation of DBE firms for any work that will be self-performed by the prime contractor(s) own work force or using equipment that is owned is not required and should not be done. Keyword searches for subcontractors are more specific (i.e., pipe, trucking, etc.). *Note: For more detail on keyword searches see Section XII, Reference Section, PA UCP Keyword Search Help Guide.* Solicitation for subcontracting opportunities should only be done for construction, services, supplies, and equipment that the prime contractor can not or will not perform or provide. Prime contractor(s) must use PADEP form 3800-FM-WSFR0116, *Contract Procurement Breakdown*, to help identify procurement opportunities for the project. Items listed on this form should match exactly the items listed on the solicitation letter.

- A recent DBE search is a period no longer than ninety (90) days prior to bid opening. When using the PA UCP services, the generated list should be printed out using the print key at the top of the results page; **do not use** the “Download Search Results” function. Printouts of the search results should contain the following:
  - Keyword(s) used to perform the search (for PA UCP).
  - The URL address with the date the search was performed.  
*(Results should be printed even when there are “no results” for the keyword(s) and code(s) search performed.)*
  
- The criteria for searching the PA UCP Web site are based on the following:
  - For subcontracts under \$750,000, solicit first in the county of the project and then the counties surrounding the project area.
  - For subcontracts \$750,000 or greater or in cases where the construction, equipment, services, and/or supplies are specialized services, then the entire state must be solicited. Solicitation beyond the state of Pennsylvania is not a requirement.
  
- Contact: Contact in the form of a solicitation letter made to all DBE firms found using the Web site services of PA UCP in which construction, equipment, services, and supplies are found to have an association to the project needs. Contact must include at least one follow-up to the initial solicitation letter. Contact must be made using a verifiable means of communication such as fax or e-mail. The solicitation letter sent to DBE firms does not have to be personalized; however, it should be specific in identifying the contracting opportunities for which participation is being sought. Each contracting opportunity listed on the solicitation letter should correspond with the completed *Contract Procurement Breakdown* form. Verification in the form of fax transmittal logs, if sent by fax; or e-mail delivery and/or read receipts, if sent by e-mail are to be submitted. *Please note that telephone calls and in person contact are not acceptable forms of documented contact.* A single copy of the solicitation letter for the initial and follow-up contact that was sent to DBE firms, whether faxed or e-mailed, should be submitted.
  
- Contact Log: A summary contact log that provides a record of the dates and the method used to contact DBE firms found on the generated search lists that have an association to the project needs. Contact with DBE firms can be marked directly on the generated search list by indicating in the margins the dates and method of contact by which contact was made. If contact was not made with a DBE firm found on the generated search list, make a note in the margin indicating the reason. If contact with a DBE firm that has the potential for project participation is not made, a valid reason must be given. Examples of a valid reason include the following but are not limited to: a prior documented negative experience with the firm or a firm out of the solicitation area. Any questions regarding the validity of a reason should be directed to PADEP.

- Contract Administration Requirements: Prime contractor(s) are to provide potential DBE firms with EPA Form 6100-2, *DBE Program Subcontractor Participation Form*, and EPA Form 6100-3, *DBE Program Subcontractor Performance Form*, for completion. Prime contractor(s) are to complete EPA Form 6100-4, *DBE Program Subcontractor Utilization Form*. Please refer to *Section V, What are the Contract Administrative Requirements*, for more detail on form use and to identify which forms must be submitted as part of the bid or proposal package.
  
- Copies of any quotes or correspondence received from DBE firms in response to solicitation efforts.

## XI. FREQUENTLY ASKED QUESTIONS (FAQs)

- Q. When do we have to perform the Six Good Faith Efforts?
- A. Prior to the bid opening by the grant/loan recipient and during the preparation of bids by the prime contractor(s).
- Q. How long after we start solicitation can we open bids?
- A. A minimum of 30 days is strongly recommended to give prime contractor(s) enough time to prepare a bid and perform DBE solicitation for items that they may need to procure or subcontract.
- Q. Can we file an addendum and extend our bid opening date to meet the 30 day recommendation?
- A. Yes.
- Q. If we have an in-house DBE list, can we use that instead of searching the PA UCP sites?
- A. No. You are required to search the PA UCP Web site; however, you may use the in-house bidders list in addition to the PA UCP list.
- Q. Can additional Web sites be used to create lists of DBE firms?
- A. Yes. Additional searches may be performed on other Web sites; however, a search on the PA UCP Web site is required. Additional DBE Web site sources can be found in the reference section of this document.
- Q. Can I use searches previously used for other projects?
- A. Yes. Search lists developed prior to this project can be used as long as the Web site search date is not more than ninety days (90) prior to the current project's bid opening date and is applicable to the current project specifications.
- Q. How many firms must I contact?
- A. While there is no specific number of firms, contact with all potential firms using the search criteria for the project must be made. Search criteria are determined by the dollar amount of the contract(s) for which solicitation is being done. For contracts under \$750,000, solicit first in the county of the project and then surrounding counties. For contracts \$750,000 or greater or in cases where the construction, equipment, services, and/or supplies are specialized services, then the entire state must be solicited. Solicitation outside of the state of Pennsylvania is not required.

- Q. Do we still have to comply with the Six Good Faith Efforts if we have met the fair share objectives and/or hired a DBE firm?
- A. Yes. Obtaining a specific percentage of DBE firm project participation does not satisfy the DBE requirement. Compliance with the Six Good Faith Efforts may not result in the use of a DBE firm.
- Q. May I award contracts while waiting for DEP to finish review of our solicitation effort?
- A. Awarding any contracts prior to receiving a notice to proceed from DEP would be doing so at your own risk and project funds may not be eligible toward project costs.
- Q. What does not constitute a good faith effort?
- A. The following are some examples of what does not constitute a good faith effort:
- Very broad searches – For example, searches by “MBE”, “WBE”, or “DBE”.
  - Very narrow searches – For example, searching by a specific DBE firm name.
  - Soliciting firms whose goods or services are not related to the procurement needs of the contract.
  - Advertising alone.
- Q. Am I required to do follow-up solicitation?
- A. Follow-up solicitation is required for all firms not responding to the initial solicitation. Follow-up solicitation is to be done by fax or e-mail. Fax transmission logs or e-mail delivery/read receipts must be submitted.
- Q. Can I start the DBE solicitation process after bid opening?
- A. No. You are required to notify any applicable potential DBE firms of the project prior to bid opening.
- Q. What is the requirement for the length of time for advertisement?
- A. In accordance with the Six Good Faith Efforts, it is necessary to allow reasonable time for contractors to prepare a proposal for bid. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before bid or proposal closing date.
- Q. Do solicitation letters have to be personalized for each DBE firm we contact?
- A. No. Letters sent to DBE firms do not have to be personalized as long as they identify all contracting opportunities. For sub-contracting opportunities, letters should identify the specific needs in all areas of procurement, i.e. Equipment – 2 dump trucks, 2,000 linear feet of galvanized pipe, or 200 yards of concrete.

## XII. REFERENCE SECTION

### ➤ DBE SOURCE LIST

At a **minimum**, the Pennsylvania Unified Certification Program (PA UCP) Web site must be used to identify DBE firms as potential sources for the procurement of project construction, equipment, services, and supplies to meet the compliance requirements. However, other additional sources are available to find potential DBE firms for project participation.

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#### **Pennsylvania Unified Certification Program (PA UCP)**

The PA UCP is a Task Force of five certifying organizations (Certifying Participants): Allegheny County, Minority Business Enterprise Council (MBEC) of the City of Philadelphia, Pennsylvania Department of Transportation, Port Authority of Allegheny County and Southeastern Pennsylvania Transportation Authority (SEPTA). DBE firms certified by these Certifying Participants appear on the PA UCP Web site.

Home page: [www.paucp.com](http://www.paucp.com)

- The PA UCP provides a DBE database that can be searched by the type of business, residing county of the business, NAICS code, or work description (i.e., pipe, manhole, concrete, flagging, etc.).

#### **PA UCP Web site Search Helpful Hints:**

Searches on the PA UCP Web site can be done by using the “work description” field to perform a keyword search:

1. Enter one (1) word (or partial word) describing the goods or service.
2. If you generate too many pages to search, the word you used is too general. Try again, using a less common word or partial word to describe what you are seeking.
3. If you do not generate any results for the description you’ve entered, you have used too many words or the wrong variation of the word. Try using one (1) word, part of a word, or another word. For example:
  - a. Entering “surveyor” may not produce any results because the descriptive word may be “surveying.” By just entering “survey” you will cover all possibilities.
  - b. Entering “sewer line”, “precast concrete”, “and fencing” or “ductile iron pipe” may not produce any results because you have used too many words. By just entering “sewer”, “concrete”, “fence”, or “pipe” you will cover all possibilities.

#### **Specific to the PA UCP Web site:**

1. To refine your PA UCP “work description” field searches, you may also select a “Business Type”, such as supplier, construction, etc.
2. **Do not** use the “Work County” search field.
3. **Do not** combine the NAICS code and a keyword in the work description in one search.
4. **Leave the Class Type as “DBE”**, this way your results will include firms certified as MBE, WBE, and MBE/WBE.
5. **Do not** use the “Download Search Results”; instead click on “Print” at the top of the results page.



## **Pennsylvania Department of General Services (DGS)**

Bureau of Minority and Women Business Opportunities (BMWBO)

North Office Building, Room 611

Harrisburg, PA 17125

Phone: (717) 787-6708

Home page: [www.dgs.state.pa.us](http://www.dgs.state.pa.us)

- BMWBO's Searchable Database can be used to create lists of certified Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) by classification code, and can be accessed at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) by clicking on "MBE/WBE Database" located on the right side of the page under DGS Initiatives. Instructions on how to use the DGS site can be found by clicking on the instruction link at the top of the M/WBE search page. For documentation purposes using the "Search results to Excel" function is not acceptable. Please print all screen shots using the "print" key at the top of the Web page.

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## **ADDITIONAL SOURCES**

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### **U.S. Department of Commerce**

Minority Business Development Agency (MBDA)

Philadelphia District Office

William J. Green Federal Building

600 Arch Street, Room 10128

Philadelphia, PA 19106

Phone: (215) 861-3597

Fax: (215) 861-3595

- At least thirty (30) days prior to bid opening, submit detailed project information, including project location, the specific areas of construction, equipment, services and supplies available to bid, the closing date, your company's name, address, fax number and e-mail address to MBDA by mail or fax. MBDA will then send an e-mail notification to MBE firms regarding the upcoming project.

### **City of Harrisburg**

Mayor's Office of Economic Development

City Government Center

10 North 2<sup>nd</sup> Street, Suite 405

Harrisburg, PA 17101

Phone: (717) 255-3027 or (717) 255-6590

- The Division of Contract Compliance, and Minority and Women Business Enterprises can provide a list of M/WBE firms that match your project specific job, a hardcopy directory of all registered M/WBE firms, and post your solicitation notice in their weekly newsletter, which is distributed to all registered M/WBE firms. **NO FEE REQUIRED.**
- A **FREE** comprehensive hardcopy version of the M/WBE Directory is available.

### **City of Erie**

Labor Compliance Officer

626 State Street, Room 500

Erie, PA 16501

Phone: (814) 870-1234

- A **FREE** comprehensive hardcopy version of the M/WBE Directory is available.

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## SMALL BUSINESS ENTERPRISE (SBA) SOURCES

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### **U.S. Small Business Administration**

For Assistance with PRO-Net and SUB-Net, contact SBA's Philadelphia District Office at:

Robert N.C. Nix Federal Building

900 Market Street, 5<sup>th</sup> Floor

Philadelphia, PA 19107

Phone: (215) 580-2722

- PRO-Net - All of the search options and information that existed in PRO-Net is now found at the Central Contractor Registration (CCR) Dynamic Small Business Search site, [www.ccr.gov](http://www.ccr.gov). CCR maintains an integrated database of small businesses.
- SUB-Net - <http://web.sba.gov/subnet> : This Web site is designed primarily as a place for large businesses to post solicitations and notices.

### ➤ **REFERENCE DOCUMENTS**

- A. Federal EPA Regulations at 40 CFR Part 30, et al.
- B. This technical guidance document is available and can be viewed and/or downloaded on DEP's Web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Water Management

### ➤ **MAILING ADDRESS**

Pennsylvania Department of Environmental Protection  
Bureau of Water Standards and Facility Regulation  
Division of Technical and Financial Assistance  
P. O. Box 8467  
Harrisburg, PA 17105

### ➤ **CONTACT INFORMATION**

Bureau of Water Standards and Facility Regulations  
Division of Technical and Financial Assistance  
(717) 787-0122

## PA UCP Keyword Search Help Guide

We have listed below common work description keywords to help you in your use of the PA UCP Web site. Using the "Type of Business" field and the correct keyword will give you a more accurate search of firms applicable to the project. If you have any questions regarding the suggested keywords or need assistance with your searches, please do not hesitate to contact PADEP at (717) 787-0122. It is important to develop accurate searches to help ensure a good faith effort.

### Common Search Terms used by Grant/Loan Recipients for Prime Contractors (Residing County should be ALL and Class Type should be DBE for all searches)

#### If searching for the following:

Drinking Water Prime Contractors	Type of Business: Construction Work Description: water
Wastewater Water Prime Contractors	Type of Business: Construction Work Description: sewer
Prime Contractors for pipe installation	Type of Business: Construction Work Description: pipe
Electrical Prime Contractors	Type of Business: Construction Work Description: electrical
Plumbing Prime Contractors	Type of Business: Construction Work Description: plumbing
HVAC Prime Contractors	Type of Business: Construction Work Description: hvac

### Common Search Terms used by Prime Contractors for Supplies/Subcontracts (Residing County should be ALL and Class Type should be DBE for all searches)

If searching for supplies: (Type of Business: Supplies)		If searching for subcontractors: (Type of Business: Construction)		If searching for the following: (Type of Business: All)	
<u>Supply</u>	<u>Work Description</u>	<u>Subcontract</u>	<u>Work Description</u>	<u>Equipment/Service</u>	<u>Work Description</u>
concrete (any kind)	concrete	concrete (any kind)	concrete	trucking	trucking
pipe (any kind)	pipe	pipe (any kind)	pipe	video/photography	video
fence (any kind)	fence	fence (any kind)	fence	equipment rental	photography
paint (any kind)	paint	paint (any kind)	paint		(list the type of equipment, ex. ("crane"))
stone (any kind)	stone	excavation	excavation	surveying	survey
electrical supplies	conduit	paving	paving	flagging	flagging
	wire	landscaping	seed	water meters	meter
landscaping supplies	electrical		mulch		instrumentation
	seed	boring	landscape	testing (any kind)	testing
manholes	manhole	electrical	boring	inspection (any kind)	inspection
pumps	pump	plumbing	electrical	rain barrel	barrel
pavement	pavement	HVAC	plumbing		
			hvac		

### **XIII. FORMS ASSOCIATED WITH THE DBE REGULATIONS**

- Grant/Loan Recipient DBE Compliance Statement  
PADEP Form 3800-FM-WSFR0120
- Prime Contractor DBE Compliance Statement  
PADEP Form 3800-FM-WSFR0119
- Contract Procurement Breakdown  
PADEP Form 3800-FM-WSFR0116
- Preaward Compliance Review Report  
EPA Form 4700-4
- DBE Subcontractor Participation Form  
EPA Form 6100-2
- DBE Subcontractor Performance Form  
EPA Form 6100-3
- DBE Subcontractor Utilization Form  
EPA Form 6100-4



### GRANT/LOAN RECIPIENT DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMPLIANCE STATEMENT

GRANT/LOAN RECIPIENT NAME: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

GRANT/ME NUMBER: \_\_\_\_\_ CONTRACT NUMBER: \_\_\_\_\_

**These items are being submitted with this compliance statement to PADEP.**

- Copies of advertisement and postings of solicitation for bids or proposal are attached.
- Itemized Bid Tabulation
- Prime Contractor's DBE Compliance Statement
- Prime Contractor's contract procurement breakdown and copy of solicitation letter
- Resolution of Authorized Representative
- EPA Form 4700-4

**These items are being retained by the Grant/Loan recipient.**

- Grant/Loan recipient has copies on file for review of all documentation that supports the direct search for and solicitation of potential participation of DBE firms in the competitive process. This includes the documentation related to web searches, contact correspondence, and contact logs.
- DBE solicitation documentation by Prime Contractor is on file for review. This includes the documentation related to web searches, contact correspondence, and contact logs.

As the authorized representative for the above named grant/loan recipient, I certify that the six good faith efforts have been performed in conformance with DBE regulations 40 CFR, Section 33.301. All efforts made have been properly documented as outlined in the PADEP DBE Guidance Document. All documentation will be retained in accordance with applicable record retention requirements under the financial assistance agreement for the above named project. I understand 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. By signing this statement the above named grant/loan recipient understands that the DBE regulations 40 CFR, Section 33.105 include compliance and enforcement provisions to which the grant/loan recipient is subject. By signing this statement the above named grant/loan recipient understands that the DBE regulations 40 CFR, Section 33.302 include additional contract administrative requirements that must be complied with.

Has the contract been awarded? Yes  No

If yes, it is understood that awarding any contracts prior to receiving a notice to proceed from DEP would be doing so at your own risk and project funds may not be eligible toward project costs.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**MAIL TO:** Pennsylvania Department of Environmental Protection  
Bureau of Water Standards and Facility Regulation  
Division of Technical and Financial Assistance  
P. O. Box 8467  
Harrisburg, PA 17105

**DEP USE ONLY**

Reviewed on ___/___/___
Reviewed by _____
Selected for Audit Y/N



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

**CONTRACTOR NAME:** \_\_\_\_\_

**PROJECT NAME:** \_\_\_\_\_

**GRANT/LOAN RECIPIENT NAME** \_\_\_\_\_

**CONTRACT NUMBER:** \_\_\_\_\_

**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, Section 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, Section 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, Section 33.302 include additional contract administrative requirements that I must comply with.

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

\_\_\_\_\_  
Date

**MAIL TO:** Grant/Loan recipient

**DEP USE ONLY**

Reviewed on ___/___/___ Reviewed by _____ Selected for Audit Y/N
--



## CONTRACT PROCUREMENT BREAKDOWN

PROJECT NAME:	CONTRACT AMOUNT:
CONTRACTOR NAME:	CONTRACT NO.:

For each contract associated with the above PENNVEST 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.

CONSTRUCTION	List Work Trade or Task	Self-perform	Subcontract	For DEP Use Only	
Some Examples: Trucking, Paving, Excavation, Concrete Curb and Sidewalk, Installation of Pipe, Treatment Equipment, Fence and Rebar, Painting, Roofing, etc.		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
EQUIPMENT	List All Equipment Required	Purchase	Own	Rent	For DEP Use Only
Some Examples: Controls and Instrumentation, Pumps, Generators, Storage Tanks, Conveyors, Backhoe, Crane, etc.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SERVICES	List All Services Required	Self-perform	Subcontract	For DEP Use Only	
Some Examples: Construction Inspection and Observation, Materials Testing, Engineering, Flagging, Construction Photography, etc.		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
SUPPLIES	List All Supplies Required	Purchase	In-house Stock	For DEP Use Only	
Some Examples: Asphalt, Concrete, Stone, Pipe, Valves, Manholes, Rebar, Steel Doors, Trusses, Lumber, Silt Fence, Wire, Conduit, Water Meters, Rain Barrels, Dirt and Gravel, etc.		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

Prepared by (Name and Title):	Date:
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United States Environmental Protection Agency Washington, DC 20460		
Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance <i>Note: Read instructions on other side before completing form.</i>		
I.	Applicant/Recipient (Name, Address, State, Zip Code).	DUNS No.
II.	Is the applicant currently receiving EPA assistance?	
III.	List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7. See instructions on reverse side.)	
IV.	List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective action taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7. See instructions on reverse side.)	
V.	List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))	
VI.	Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below. a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b). b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. § 7.70) applies.	
VII.*	Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its programs or activities? (40 C.F.R. § 5.140 and § 7.95) a. Do the methods of notice accommodate those with impaired vision or hearing? b. Is the notice posted in a prominent place in the applicant's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications? c. Does the notice identify a designated civil rights coordinator?	
VIII.*	Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves? (40 C.F.R. § 7.85(a))	
IX.*	Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency? (40 C.F.R. Part 7, E.O. 13166)	
X.*	If the applicant/recipient is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.	
XI*	If the applicant/recipient is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or Internet address for, or a copy of, the procedures.	
<b>For the Applicant/Recipient</b>		
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.		
A. Signature of Authorized Official	B. Title of Authorized Official	C. Date
<b>For the U.S. Environmental Protection Agency</b>		
I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.		
A. Signature of Authorized EPA Official	B. Title of Authorized EPA Official	C. Date
See ** note on reverse side.		

EPA Form 4700-4 (Rev. 03/2008). Previous editions are obsolete.



Instructions for EPA FORM 4700-4 (Rev. 03/2008)

General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972.

40 C.F.R. Part 7 implements Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of The Rehabilitation Act of 1973.

The Executive Order 13166 (E.O. 13166) entitled, "Improving Access to Services for Persons with Limited English Proficiency" requires Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Items

"Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25.

"Recipient" means any entity, other than applicant, which will actually receive EPA assistance. 40 C.F.R. §§ 5.105, 7.25.

"Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.

"Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification.

\* Questions VII – XI are for informational use only and will not affect an applicant's grant status. However, applicants should answer all questions on this form. (40 C.F.R. Parts 5 and 7).

\*\* Note: Signature appears in the Approval Section of the EPA Comprehensive Administrative Review For Grants/Cooperative Agreements & Continuation/Supplemental Awards form.

Approval indicates, in the reviewer's opinion, questions I – VI of Form 4700-4 comply with the preaward administrative requirements for EPA assistance.

"Burden Disclosure Statement"

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to U.S. EPA, Attn: Collection Strategies Division (MC 2822T), Office of Information Collection, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes and regulations.



Environmental  
Protection Agency

OMB Control No: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Approval Expires: \_\_\_\_\_

Disadvantaged Business Enterprise Program  
DBE Subcontractor Participation Form

NAME OF SUBCONTRACTOR <sup>1</sup>	PROJECT NAME
ADDRESS	CONTRACT NO.
TELEPHONE NO.	E-MAIL ADDRESS
PRIME CONTRACTOR NAME	

Please use the space below to report any concerns regarding the above EPA-funded project (e.g., reason for termination by prime contractor, late payment, etc.).

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CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES RECEIVED FROM THE PRIME CONTRACTOR	AMOUNT SUBCONTRACTOR WAS PAID BY PRIME CONTRACTOR

\_\_\_\_\_  
Subcontractor Signature

\_\_\_\_\_  
Title/Date

<sup>1</sup>Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental  
Protection Agency

OMB Control No: _____
Approved: _____
Approval Expires: _____

## Disadvantaged Business Enterprise Program DBE Subcontractor Participation Form

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Participation Form to this address.



Environmental  
Protection Agency

OMB Control No: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Approval Expires: \_\_\_\_\_

Disadvantaged Business Enterprise Program  
DBE Subcontractor Performance Form

NAME OF SUBCONTRACTOR <sup>1</sup>		PROJECT NAME
ADDRESS		BID/PROPOSAL NO.
TELEPHONE NO.		E-MAIL ADDRESS
PRIME CONTRACTOR NAME		
CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES BID TO PRIME	PRICE OF WORK SUBMITTED TO PRIME CONTRACTOR
Currently certified as an MBE or WBE under EPA's DBE Program? <input type="checkbox"/> Yes <input type="checkbox"/> No		
_____ Signature of Prime Contractor		_____ Date
_____ Print Name		_____ Title
_____ Signature of Subcontractor		_____ Date
_____ Print Name		_____ Title

<sup>1</sup>Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental  
Protection Agency

OMB Control No: _____
Approved: _____
Approval Expires: _____

## Disadvantaged Business Enterprise Program DBE Subcontractor Performance Form

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Performance Form to this address.



Environmental  
Protection Agency

OMB Control No: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Approval Expires: \_\_\_\_\_

Disadvantaged Business Enterprise Program  
DBE Subcontractor Utilization Form

BID/PROPOSAL NO.	PROJECT NAME
NAME OF PRIME BIDDER/PROPOSER	E-MAIL ADDRESS
ADDRESS	
TELEPHONE NO.	FAX NO.

The following subcontractors<sup>1</sup> will be used on this project:

COMPANY NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS	TYPE OF WORK TO BE PERFORMED	ESTIMATE D DOLLAR AMOUNT	CURRENTLY CERTIFIED AS AN MBE OR WBE?

I certify under penalty of perjury that the forgoing statements are true and correct. In the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).

\_\_\_\_\_  
Signature Of Prime Contractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

<sup>1</sup>Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental  
Protection Agency

OMB Control No: _____
Approved: _____
Approval Expires: _____

## Disadvantaged Business Enterprise Program DBE Subcontractor Utilization Form

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Utilization Form to this address.