INFORMATION TO LOAN RECIPIENT: All loan recipients of Federal State Revolving Fund (SRF) financial assistance shall make the six good faith efforts, listed below, to assure compliance with the State's "fair share goals" in compliance with federal DBE procurement requirements. The loan recipient/borrower shall ensure, to the fullest extent possible, that these efforts are made in all procurements for prime contractors, subcontractors, suppliers, and others, as specified below.

These requirements are extended to any and all contractors who submit bids for construction work on this loan. After the bid opening the apparent responsible, responsive, low bidder will be required to provide documentation of attempts made to get bids from suppliers, subcontractors, and others as further explained in the following text.

A. BID SOLICITATIONS: Provide the following language in the bid solicitation for every project.

This is a federally funded project. All bidders are required to make the six good faith efforts to assure compliance with the State's “fair share goals” and are required to comply with EEO regulations.

B BID DOCUMENTS – DBE: Provide the following language and instructions in the "Special Conditions" or "Supplemental Conditions" for every project.

1. This is a federally funded project. The Bidder is required to comply with federal regulation **40 CFR Part 33 - Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs**, summarized below.

2. The Bidder shall ensure, to the fullest extent possible, that at least the negotiated "Fair Share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment, or professional services are made available to minority and women owned or controlled organizations or businesses. The "Fair Share" objectives are as follows for each category of procurement:
<table>
<thead>
<tr>
<th>Category</th>
<th>MBE</th>
<th>WBE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Services</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Supplies</td>
<td>0.25%</td>
<td>0.25%</td>
</tr>
<tr>
<td>Equipment</td>
<td>0.25%</td>
<td>0.25%</td>
</tr>
<tr>
<td>Construction</td>
<td>4.0%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

3. The BIDDER/CONTRACTOR agrees to include in its bid documents the "Fair Share" objectives and require all of its sub-contractors to include in their bid documents for sub-contracts the "Fair Share" objectives. The Bidder shall be prepared to provide documentation supporting compliance with these requirements. This documentation should include a log that lists dates and times of verbal, written, and faxed correspondence, telephone logs, a list of companies contacted and contact person with that company, notes of to whom bid packages were sent, responses from firms contacted, a list of bids or quotes received and which sub-bidders will be used, etc. If a MBE/WBE, which submitted a bid/quote was not selected, state the reason for not selecting them. Upon request, after the bid opening and before the contract is awarded, the Bidder will provide all relevant information to the Owner [Borrower] who will provide the same information to the Division of Drinking Water, Department of Environmental Quality, State of Utah for evaluation.

4. Every BIDDER must sign the DBE “CERTIFICATION – SIGNATURE” page and SUBMIT said page with his/her BID. If the BIDDER fails to submit the “CERTIFICATION – SIGNATURE” page with his/her bid, the bid will be disqualified by the State of Utah. If this occurs the Borrower will be required to select the next low bidder and the State will require that bidder to provide the above-described documentation.

5. To evaluate compliance with the "Fair Share" policy, the CONTRACTOR also agrees to comply with the following six affirmative steps:
   a. Include all DBEs including: Small, Minority and Women Owned Businesses (MBE/WBE) on solicitation lists.
   b. Assure that DBEs are solicited whenever they are potential sources.
   c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by DBEs.
d. Establish delivery schedules, when the requirements of the work will permit, which will encourage participation by DBEs.

e. Use the services of the Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce, as appropriate.

f. Require the Contractor to make the good faith efforts in subparagraphs “a” through “e” if the Contractor awards sub-agreements.


C. BID DOCUMENTS - Federal EEO: The BORROWER or borrower’s ENGINEER shall also include in the BID DOCUMENTS Federal EEO regulations by which the Contractor must also comply.

D. TERM AND CONDITION: The BORROWER or Borrower’s ENGINEER shall include in the BID DOCUMENTS the following term and condition:

1. “The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.”

E. CONTRACT PROVISIONS:

1. The prime contractor must pay its subcontractors for satisfactory performance no more than 30 days from the prime contractor’s receipt of payment from the owner.

2. The prime contractor must notify the owner in writing prior to any termination of a DBE subcontractor for convenience.

3. If a DBE subcontractor fails to complete work under the subcontract for any reason, the prime contractor must employ the six good faith efforts if soliciting a replacement subcontractor, even if the fair share objectives have already been achieved.

4. The prime contractor must distribute EPA Form 6100-2 - DBE Program Subcontractor Participation Form (copy attached) to all of its DBE
subcontractors. The subcontractors can submit completed forms to the EPA DBE Coordinator.

5. The prime contractor must have its **DBE subcontractors complete EPA Form 6100-3** - DBE Program Subcontractor Performance Form (copy attached) and include completed forms in its bid or proposal package.

6. The **prime contractor must complete EPA Form 6100-4** - DBE Program Subcontractor Utilization Form (copy attached) and submit as part of its bid or proposal package.

7. Failure to submit the requested information (Form 6100-3 and Form 6100-4) within seven (7) calendar days of the bid opening will be viewed as non-responsive.

**Additional DBE forms can be downloaded at**

[http://www.epa.gov/osbp/dbe_team.htm](http://www.epa.gov/osbp/dbe_team.htm)
DISADVANTAGED BUSINESS ENTERPRISE (DBE) CERTIFICATION - SIGNATURE PAGE
FEDERAL SRF LOAN PROGRAM

The Bidder hereby certifies that the Bidder has taken the "Six Good Faith Efforts" in soliciting bids and quotes from subcontractors for supplies, construction, equipment, and professional services and is in compliance with 40 CFR Part 33 – Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency programs which are summarized in the bid documents for this proposed project.

BIDDER:

________________________________________________
(Signature)

________________________________________________
(Date)

Bidder's Name:  ______________________________________________________________

Address:  ___________________________________________________________________

___________________________________________________________________

Phone #:  ______________________  

E-mail Address: (Optional)  ________________________________

(The above certification of the Bidder shall be filled out completely, signed, and submitted by each Bidder and shall be a part of the Contract Documents.)
NAME OF SUBCONTRACTOR

PROJECT NAME

ADDRESS

CONTRACT NO.

TELEPHONE NO.

EMAIL 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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_____________________________________________________

_____________________________________________________


<table>
<thead>
<tr>
<th>CONTRACT ITEM NO.</th>
<th>ITEM OF WORK OR DESCRIPTION OF SERVICES RECEIVED FROM THE PRIME CONTRACTOR</th>
<th>AMOUNT SUBCONTRACTOR WAS PAID BY PRIME CONTRACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</table>

Subcontractor Signature __________________________ Title/Date __________________________

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.
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.
Name of Subcontractor: | Project Name:
---|---
Address: | Bid/Proposal No.:
Telephone No.: | E-mail Address:

Prime Contractor Name:

<table>
<thead>
<tr>
<th>Contract Item No.</th>
<th>Item of Work or Description of Services Bid to Prime</th>
<th>Price of Work Submitted to Prime Contractor</th>
</tr>
</thead>
</table>

Currently certified as an MBE or WBE under EPA’s DBE Program? Yes ______ No ______

Signature of Prime Contractor Date Print Name Title ____________________________
Signature of Subcontractor Date Print Name Title ____________________________

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The following subcontractors will be used on this project:

<table>
<thead>
<tr>
<th>COMPANY NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS</th>
<th>TYPE OF WORK TO BE PERFORMED</th>
<th>ESTIMATED DOLLAR AMOUNT</th>
<th>CURRENTLY CERTIFIED AS AN MBE OR WBE?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

I certify under penalty of perjury that the foregoing 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

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.
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.