

**MINORITY AND WOMEN'S BUSINESS ENTERPRISE (MBE/WBE)
PROCUREMENT REQUIREMENTS
FEDERAL SRF LOAN PROGRAM**

INFORMATION TO LOAN RECIPIENT: All loan recipients of Federal State Revolving Fund (SRF) Loans shall take the six affirmative steps, listed below, to assure compliance with the State's "fair share goals" in compliance with federal MBE/WBE procurement requirements. The loan recipient shall ensure, to the fullest extent possible, that these affirmative steps are taken in all procurements for prime contractors, subcontractors, suppliers, and others, as specified below.

These requirements are extended to any and all prime 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, etc. 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 take the six affirmative steps to assure compliance with the State's 'fair share goals' and are required to comply with EEO regulations.

B. BID DOCUMENTS – MBE/WBE: 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 35.3575 (d) *Minority and Women's Business Enterprise (MBE/WBE) procurement requirements***, 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:

<u>Category</u>	<u>MBE</u>	<u>WBE</u>
Professional Services	0.5%	0.5%
Supplies	0.25%	0.25%
Equipment	0.25%	0.25%
Construction	4.0%	2.0%

3. The 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 Contractor shall be prepared to provide documentation supporting compliance with these requirements; e.g. correspondence, telephone logs, a list of companies to whom bid packages were sent, a list of companies from whom bids or quotes were received, etc. The documentation shall include what those bids/quotes were and why said bids/quotes were accepted or rejected, etc. Upon request, after the bid opening and before the contract is awarded, the Low 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. To evaluate compliance with the "Fair Share" policy, the CONTRACTOR also agrees to comply with the following six affirmative steps:
 - a. Include Small, Minority and Women Owned Businesses (MBE/WBE) on solicitation lists;
 - b. Assure that MBE/WBEs are solicited whenever they are potential sources;
 - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by MBE/WBEs;
 - d. Establish delivery schedules, when the requirements of the work will permit, which will encourage participation by MBE/WBEs;
 - e. Use the services of the Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce, as appropriate; and
 - f. Require the Contractor to take the affirmative steps in subparagraphs "a" through "e" if the Contractor awards sub-agreements.
 5. The Bidder shall submit "Form 334, MBEFWBE Utilization Under Federal Grants, Cooperative Agreements, and other Federal Financial Assistance", at the end of every calendar quarter, based on the standard State quarter system.
- C. **BID DOCUMENTS - Federal EEO:** The BORROWER or ENGINEER shall also include in the BID DOCUMENTS Federal EEO regulations by which the Contractor must also comply.

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**MINORITY AND WOMEN'S BUSINESS ENTERPRISE (MBE/WBE)
SIGNATURE PAGE
FEDERAL SRF LOAN PROGRAM**

The Bidder hereby certifies that the Bidder has taken the "Six Affirmative Steps" in soliciting bids and quotes from subcontractors for supplies, construction, equipment, and professional services and is in compliance with 40 CFR 35.3575 (d) *Minority and Women's Business Enterprise (MBE/WBE) Procurement Requirements* which are summarized in the bid documents for this proposed project. The Bidder further certifies that the Bidder is in compliance with the Civil Rights Act of 1964, Executive Order No. 11245, and all other applicable Federal and State laws and regulations relating to equal opportunity employment.

BIDDER:

(Signature)

(Date)

Bidder's Name: _____

Address: _____

(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.)