



## **Disadvantaged Business Enterprises for State Revolving Fund Projects**

**Updates to this guidance include:**

- *Replaced Fiscal Year 2018 Negotiated Minority Business Enterprise and Women's Business Enterprise (MBE/WBE) Goals (pg. 2)*
- *Updated language: Introduction to Federal Requirements (pg. 2)*
- *Updated EPA's 2019 Approved Class Exception RAIN (pg. 2)*
- *Updated Current Negotiated Fair Share Goals for Categories (pg. 7)*
- *Updated definition for Trade Association method (pg. 9)*
- *Updated DBE Program Links (pg. 16)*
- *Updated Appendix A-page 1: Defined Construction / Non-Construction*
- *Updated TWDB-0215 (Attachment 1)*
- *Updated TWDB-0216 (Attachment 2)*
- *Updated TWDB-0217 (Attachment 3)*
- *Updated TWDB-0373 (Attachment 4)*

# DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

TWDB-0210 GUIDANCE

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Attachments (examples of required forms):

- 1. [TWDB-0215](#)
- 2. [TWDB-0216](#)
- 3. [TWDB-0217](#)
- 4. [TWDB-0373](#)

## DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

### INTRODUCTION TO FEDERAL REQUIREMENTS

The Texas Water Development Board (TWDB) intends to ensure that applicants, consultants and contractors are provided with information and guidance to successfully meet the U.S. Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) program requirements.

The TWDB's Clean and Drinking Water State Revolving Fund programs receive federal funding from the EPA to provide financial assistance for water and wastewater projects. Recipients of financial assistance (e.g., municipalities, towns, public water systems) and their sub-recipients (e.g., prime consultants, prime contractors, purchase order vendors) are **required** to make a "Good Faith Effort" to award a fair share of work to contractors who are certified as Minority Business Enterprises (MBE) and Women-owned Business Enterprises (WBE) whenever procuring construction, supplies, services, and equipment ([40 CFR, Section 33.301](#)). This requirement currently applies to Clean Water State Revolving Fund Equivalency projects and all Drinking Water State Revolving Fund Equivalency projects. . Recipients of financial assistance are required to show evidence that they have performed the six steps showing a "Good Faith Effort" (referred to as the Six Good Faith Efforts) for all procurements ([40 CFR, Section 33.301](#)).

The DBE program is an outreach, education, and goal oriented program designed to increase the participation of MBEs and WBEs in procurements funded by EPA assistance agreements through the State Revolving Funds.

The TWDB-DBE current negotiated Fair Share Goals for categories **CONSTRUCTION** and **NON-CONSTRUCTION** have been modified to meet EPA's 8% statute, 42 U.S.C. 4370d, and are effective until superseded.

Effective October 1, 2019, EPA approved a class exception that temporarily waives the requirements in 40 CFR Part 33, which includes the requirement that recipients must negotiate fair share objectives for minority business enterprise (MBE) and women's business enterprise (WBE) participation in procurement under assistance agreements. For more details, review [Recipient/Applicant Information Notice \(RAIN\)](#).

The MBE/WBE goals are neither standards nor quotas; they are goals. Recipients of financial assistance are not required to meet the fair share objectives. They must, however, acknowledge that they are aware of and are actively pursuing the fair share objectives with their procurements.

Recipients of financial assistance **must** maintain all records documenting compliance with all applicable federal and state requirements. They are also subject to additional contract administration requirements ([40 CFR, Section 33.302](#)).

This guide will cover the Six Good Faith Efforts, procurement instructions, and the TWDB's DBE review process. All of the required DBE forms as well as a few situational examples are included for reference. Clear definitions of all of the terms used throughout the guidance document may be found within the Glossary (Appendix A). The terms "recipient of financial assistance", "applicant", or "entity" may be used interchangeably.

## COMPLIANCE WITH THE REQUIREMENTS

Compliance is achieved by: 1) applying the Six Good Faith Efforts to all procurements utilizing applicable State Revolving Fund program funds, 2) submitting TWDB's DBE forms in a timely manner, 3) ensuring all necessary documentation and language is included in bid advertisements and solicitations, and 4) maintaining detailed documents showing compliance with the DBE requirements. In the event that a recipient of financial assistance fails to comply with any of the DBE program requirements, EPA may take remedial action under [40 CFR, Section 33.105](#). A failure to comply with the legally required federal regulations at 40 CFR Part 33 may result in remedial actions including, but not limited to: Temporarily withholding cash payments pending correction of the deficiency by the recipient or more severe enforcement action by EPA; Disallowing all or part of the cost of the activity or action not in compliance; Wholly or partly suspending or terminating the current award; or Withholding further awards for the project or program.

## SIX GOOD FAITH EFFORTS

The Six Good Faith Efforts undertaken by a recipient of financial assistance and its prime consultant(s)/contractor(s) ensures that DBE businesses are made aware of procurement opportunities.

According to [40 CFR § 33.301](#), a recipient of financial assistance is required to complete the following Six Good Faith Efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement:

- (1) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (2) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive 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.
- (3) Consider in the contracting process whether businesses competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (4) Encourage contracting with a consortium of DBEs when a contract is too large for one of these businesses to handle individually.
- (5) Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
- (6) If the Prime Contractor awards subcontracts, require the prime contractor to take the complete steps (1) through (5) listed above.

**Note: Step-by-step guides are available in future sections of this guidance to explain these six steps (pp. 7-15).**

## WHEN TO SUBMIT

Recipients of financial assistance through the SRF Programs will be required to submit DBE documentation at different phases during the project's lifecycle (Application, Prior to Closing, Release of Planning/Design funds, and Construction Contract Phases). *Note: Submitting DBE forms to the TWDB alone will not meet EPA's fair share policy. Review the section, Required Documentation, for the additional steps that **must** be completed.*

### **Application (must be submitted with a financial application)**

- **TWDB-0215 (from Applicant/Entity)** certifies that the entity understands they **must** follow the Six Good Faith Efforts and attempt to meet the Fair Share Objectives for MBE/WBE participation.

### **Prior to Closing (must be submitted, reviewed and approved by TWDB staff prior to closing)**

- **TWDB-0216 (from Applicant/Entity)** identifies the methods of solicitation used for procurements, all businesses directly solicited for procurement (at this stage, typically the Financial Advisor, Bond Counsel, and Engineer), their contact information, and their MBE/WBE status.
- **TWDB-0373 (from Applicant/Entity)** identifies the businesses awarded a contract, their contact information, their MBE/WBE status, an actual or anticipated executed contract date, and contract amount. *Note: Any businesses operating as brokers may not be listed on the TWDB-0373 as an MBE or WBE.<sup>1</sup>*
- **TWDB-0217 (from Prime Consultants)** certifies that the Prime Consultant (at this stage, typically the Financial Advisor, Bond Counsel, and Engineer) understand they **must** follow the Six Good Faith Efforts and attempt to meet the Fair Share Objectives for MBE/WBE participation.

### **Release of Planning/Design Phase funds**

- **TWDB-0216 (from Applicant/Entity)** identifies the methods of solicitation used for procurements, all businesses directly solicited for procurement, their contact information, and their MBE/WBE status. This form is required at this stage only, if the entity pursues procuring additional businesses (e.g., Environmental, Other Legal Services, Surveying) for construction (if applicable), equipment, services, or supplies after closing.
- **TWDB-0373 (from Applicant/Entity)** identifies the businesses awarded a contract, their contact information, their MBE/WBE status, an actual or anticipated executed contract date, and contract amount. This form is required, at this step only, if the entity pursues procuring additional businesses (e.g., Environmental, Other Legal Services, Surveying) for construction (if applicable), equipment, services, or supplies after closing. *Note: Any businesses operating as brokers may not be listed on the TWDB-0373 as an MBE or WBE.<sup>1</sup>*
- **TWDB-0216 (from Prime Consultants/Contractors)** indicates all businesses solicited for procurement, their contact information, and their MBE/WBE status.

<sup>1</sup> A broker is a business that does not perform, manage, or supervise the work of its sub/contract in a manner consistent with the normal business practices for sub/contractors in its line of business.

- **TWDB-0373 (from Prime Consultants/Contractors)** identifies all businesses awarded a subcontract, their contact information, their MBE/WBE status, an actual or anticipated executed contract date, and contract amount. *Note: Any businesses operating as brokers may not be listed on the TWDB-0373 as an MBE or WBE.*<sup>2</sup>

### **Construction Contracts**

- **TWDB-0216 (from Applicant/Entity)** identifies the methods of solicitation used for procurements, all businesses directly solicited for procurement (at this stage, typically a construction contractor), their contact information, and their MBE/WBE status.
- **TWDB-0373 (from Applicant/Entity)** identifies the businesses awarded a contract, their contact information, their MBE/WBE status, an actual or anticipated executed contract date, and contract amount.
- **TWDB-0216 (from Prime Consultants/Contractors)** indicates all businesses solicited for procurement, their contact information, and their MBE/WBE status.
- **TWDB-0217 (from Prime Contractor)** certifies that the Prime Contractor understands they **must** follow the Six Good Faith Efforts and attempt to meet the Fair Share Objectives for MBE/WBE participation.
- **TWDB-0373 (from Prime Contractor)** identifies all businesses awarded a contract, their contact information, their MBE/WBE status, an actual or anticipated executed contract date, and contract amount. *Note: Any businesses operating as brokers may not be listed on the TWDB-0373 as an MBE or WBE.*<sup>2</sup>

### **REQUIRED DOCUMENTATION**

In addition to the forms that **must** be submitted to the TWDB for review and approval prior to a project progressing through its lifecycle, recipients of financial assistance are required to maintain the following sets of documents or files related to the DBE program for the duration of the project:

- All copies of advertisements, solicitation postings, and communications to publish public solicitation including publishers' affidavits, U.S. certified mail receipts, and emails.
- Bidder's List(s) of Prime Contracts if procurement was through an open-competitive bidding process.
- All forms submitted to the TWDB and the EPA for the DBE program.
- All documentation submitted by the Prime Consultant(s) and Contractor(s) depicting their compliance with EPA's fair share policy (review the section, Procurement Steps, for more details).

### **SPECIAL CIRCUMSTANCES**

In some circumstances, a recipient of financial assistance may not be able to make a good faith effort in procuring DBEs. If this circumstance is encountered, communication with the TWDB's DBE Coordinator should take place well in advance of making the decision to execute a procurement/contract not following the TWDB's DBE program. The DBE Coordinator will determine whether the circumstance may qualify for a **sole-source** method of procurement. The sole-source method requires that the recipient of financial assistance produce a letter explaining why they were unable to follow the DBE program, submit the documentation to the TWDB for official review, and retain a copy of the letter within the project file.

<sup>2</sup> A broker is a business that does not perform, manage, or supervise the work of its sub/contract in a manner consistent with the normal business practices for sub/contractors in its line of business.

**Example:**

After pilot testing a specific treatment process for a treatment plant, the Texas Commission on Environmental Quality (TCEQ) has required a specific piece of equipment that only a single manufacturer produces, or a sole-source. In this instance, two key items are needed for DBE program compliance: a letter from the recipient of financial assistance detailing the circumstances related to the sole-source, and the exemption letter from the TCEQ identifying the specific equipment. These items should be sent to the TWDB and saved within the recipient of financial assistance's project file. Communication should be given to the TWDB's DBE Coordinator upon receipt and review of the TCEQ's exemption letter.

There may be instances when a recipient of financial assistance would like to contract for services or contract with a supplier(s) for an extended period of time. These **multi-year contracts** are allowed and acceptable under the EPA's DBE program, so long as certain steps are followed. When the TWDB's DBE Coordinator reviews any submitted DBE documentation, they will ensure the solicitation language contains the expected scope of work and the applicable timeframes of the contract. The solicitation should also reference the TWDB's negotiated fair share objectives through use of the TWDB's solicitation statement within the advertisement. Including the solicitation statement ensures the multi-year contract is procured under the TWDB's current negotiated fair share objectives. If any of this information is missing, the TWDB's DBE Coordinator may not be able to approve the submitted DBE documentation and may require additional steps in order to meet compliance.

The recipient of financial assistance **must** follow the EPA's DBE process in procuring the multi-year contract(s). A multi-year contract will not be accepted if the contract solicitation and award date occurred more than three years from the date of submission to the TWDB's DBE Coordinator. Multi-year contracts exceeding this timeframe may be evaluated by the TWDB on a case-by-case basis. Advanced notice of this type of procurement should be given to the TWDB's DBE Coordinator before making the decision to execute a procurement/contract.

**Example:**

The Town of Medgar (Town), is preparing to execute a contract with a consultant engineering firm for engineering services covering all line replacement work within its public water supply system. The Town has drafted a solicitation for water line replacement work for all projects that are or may possibly be funded through the TWDB's Drinking Water State Revolving Fund (DWSRF) and has received an approval for use by the TWDB's DBE Coordinator. The multi-year contract is structured to be in effect for no longer than three years. Following the standard DBE process, the Town posts the solicitation, awards the contract, and then submits the applicable forms to the TWDB for review. Three years later, the Town chooses to take on additional water line replacement work funded through new DWSRF financing. To show compliance, they submit the DBE forms showing their original procurement of the engineering firm to the TWDB's DBE Coordinator. Following this process allows the Town to utilize one consultant engineering firm for all water line replacement projects within the system that are planned and/or implemented within the three years after executing the contract.



In instances where a recipient of financial assistance wants their own staff to perform services, their approval process would follow a **force account** process. Under a force account, the recipient of financial assistance submits a written request to the TWDB's DBE Coordinator describing the scope of work covered by their staff and indicating their participation through the force account process. This letter should remain within their project files. The TWDB's DBE Coordinator will acknowledge its receipt, review for applicability, and respond with a determination before any work proceeds.

## **PROCUREMENT STEPS**

Included in these instructions are steps to successfully perform your DBE solicitation. Please read them carefully. These steps should be taken when procuring construction, equipment, services, and/or supplies. The terms "recipients of financial assistance", "applicant", or "entity" may be used interchangeably. The term "Prime(s)" refers to both "Consultants" and "Contractors".

### **STEP 1. DETERMINE YOUR PROCUREMENT NEEDS**

For all of the categories listed below, you are required to solicit by any of the listed methods identified in Step 2 DBE businesses qualified and capable of completing the work requested. You should also determine whether it is economically feasible to divide the proposed project into smaller tasks or quantities to permit maximum participation by DBE businesses.

#### **Procurement Categories**

**Construction** contracts generally relate to the bidding process for a prime contractor. **Equipment** contracts relate to the purchase of equipment from vendors. **Service** contracts relate to the hiring of consultants or any other service related work. **Supply** contracts relate to the purchase of supplies directly from vendors. Procurements are classified in two categories: **Construction & Non-Construction**.

#### **Examples**

1. If your project consists of one general construction contract, you will need to solicit DBE prime contractors within the regional vicinity of the project that are capable of completing the work.
2. If your own workforce will be performing all of the work, but you will need to purchase supplies or equipment, then you will need to solicit DBE vendors within the regional project area capable of providing supplies or equipment to your proposed project.

## **STEP 2. DETERMINE YOUR METHODS OF SOLICITATION**

You may choose from a list of seven methods of solicitation. At least TWO methods **must** be chosen. These may be performed in conjunction with any required local or state procurement laws:

- Newspaper Advertisements
- Direct Contact by Phone, Fax, USPS Mail, Email (any combination of these still counts as ONE method)
- Meetings or Conferences
- Minority Media Postings
- Internet Website Postings
- Trade Association Publications ( i.e., publishing a solicitation within a newsletter, email list, webpage, etc. for a grouping of all who come together in an organized attempt to interest, persuade, or influence the actions, policies, or decisions of government officials, for the advancement and recruitment of contracting opportunities.)
- Other Government Publications (i.e., publishing a solicitation within other governmental publications)

If you choose to solicit via direct contact, additional steps are required to ensure fairness (see Step 2B. Directly Solicit Businesses). To reiterate, depending on your entity or businesses' makeup, you **must** ensure that you meet all applicable local and state procurement laws.

### **STEP 2A. ADVERTISE YOUR PROJECT**

Draft the content of your solicitation. Example advertisement and request for qualifications language is available in appendix B.

To be compliant with the DBE program, all solicitations, both publicly advertised and via direct contact, should address 1) fair share goals; 2) good faith efforts; 3) the involvement of federal EPA funding; and 4) encouragement of MBEs, WBEs, and other DBEs to bid on prime and subcontracts.

To ensure compliance, the TWDB **recommends** including the following solicitation statement in all solicitations:

*This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).*

The TWDB encourages you to publish your solicitation at least 30 days prior to the bid closing date to allow sufficient time for potential prime or subconsultants/contractors to submit bids and proposals. The solicitation statement may be used within a newspaper advertisement, a posting to minority media or internet website, or posting within any other trade association or government publications. A copy of the actual solicitation found within/on the publication or web page **must** be kept with the project files and submitted along with the form TWDB-0216.

When advertising your project through a newspaper, it is important to retrieve a publisher's affidavit showing the dates of the posting(s) and the content of the advertisement. This support information **must** be saved with the project files and submitted along with the form TWDB-0216. For entities and projects required by state procurement law to perform an open competitive bidding process (i.e., political subdivisions of the state or districts soliciting for contract(s) more than a specific dollar amount as directed by state procurement law), a posting at least once a week, for two consecutive weeks, in a newspaper published in the municipality (or county) in which the district is located is required (TEX. LOC. GOV'T CODE § 252.041 and TEX. WATER CODE § 49.273).

Note: Sufficient documentation for meetings or conferences held as a method of solicitation include announcements of the meeting or meeting minutes AND a sign-in sheet. Posting items to a government-run plan room is considered the "Other Government Publications" method listed within the previous step. Posting items to a privately-run plan room is considered the "Trade Association Publications" method listed within the previous step. Conducting and submitting a search of businesses does not count as any one of the methods listed within the previous step. Search results are only accepted when accompanied with a detailed, signed explanation to document your inability to locate DBE businesses meeting the qualifications solicited and/or their inability to bid on your project.

### **STEP 2B. DIRECTLY SOLICIT BUSINESSES**

You may directly solicit businesses utilizing phone, fax, USPS mail, or email communications. All documentation of such activity **must** be saved with the project files. When communicating via phone, an electronic or hand-written call log may be used as support. Remember to document the name of the firm solicited, the person contacted, a telephone number, their MBE/WBE status, and the category of work requested.

You **must** make contact with at least three qualified businesses for the specific procurement and **at least one** of those businesses **must** be a certified MBE/WBE business. **DBE businesses/firms may be contacted by TWDB to certify "direct contact" method.** An example of submitted direct solicitation documentation is available in Appendix D. To determine a business' certification, review Step 3. Determining a Business' DBE Status.

### **STEP 3. DETERMINING A BUSINESS' DBE STATUS**

A DBE is a business owned by a socially and economically disadvantaged individual and certified as such by the EPA or another organization whose certification standards meet or exceed that of the EPA's (See Appendix A for a full definition of DBE). To assist you in identifying, soliciting, and utilizing qualified DBE businesses, the TWDB encourages you to refer to the following list of acceptable DBE certification agencies made available at the local, statewide, and national levels.

- [Texas Procurement and Support Services \(TPASS\)](#) The **Centralized Master Bidders List (CMBL) – Historically Underutilized Business (HUB) Directory Search** is a statewide database managed by the TPASS. This database contains contact information on all vendors registered to do business with the State, including TPASS-certified HUB vendors. The CMBL & HUB search is an online system available to the public free of charge.
- [Small Business Administration](#)
- [Texas Department of Transportation](#)

- [City of Austin](#) Located on the right-hand side of the webpage are links to the MBE/WBE/DBE Certified Vendor Search and SBE Certified Vendors directories.
- [City of Houston](#)

A list of other Minority & Women-owned Business Organizations that you may contact directly to obtain a list of qualified vendors for your procurement opportunities may be found at [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).

Please note that MBE, WBE, or Historically Underutilized Business (HUB) certifications provided by the Texas Small Businesses Association or the Texas Certification Directory **will not** be accepted by the TWDB or the U.S. Environmental Protection Agency (EPA) as they do not meet EPA certification requirements.

#### **STEP 4. UNDERSTANDING ROLES AND RESPONSIBILITIES**

##### **For Applicants:**

As the recipient of financial assistance, you are responsible for ensuring that your project meets EPA's fair share policy for all procurements funded utilizing State Revolving Fund program funds. This includes the subcontracts of your Prime Consultant(s) and Contractor(s). You should review the Prime Consultant's and Contractor's DBE documentation and determine them to be in compliance before you submit the TWDB forms and support for official review.

You may request DBE documentation from your Prime Consultant(s) and Contractor(s) at the time of bid or after you have awarded a contract. Keep in mind your project schedule and the timeframes in which you need to obtain TWDB's approvals to continue progressing with your project. Receiving and reviewing forms earlier ensures that you receive approval well in advance of critical deadlines.

If your Prime Consultant's and Contractor's documented DBE process comes back with any errors, it is your responsibility to work with them to achieve compliance. Be mindful that contracts procured without following requirements may result in the need for re-procurement or be funded utilizing an alternate source of funds other than State Revolving Fund program funds. The TWDB's DBE Coordinator is available to assist you in correcting any deficiencies of your Prime Consultant's and Contractor's procurements. For more detailed instructions, review the section, Applicant's Review of Prime Consultant's/Contractor's Procurements.

If the contract amount for any of your Prime Consultant(s)/Contractor(s) changes from the time of your initial DBE submission, you **must** submit an updated TWDB-0373 listing the final, actual contract dollar amounts.

**Note: In the event you change your Prime Consultant/Contractor or any subcontractors, for any reason, you or your Prime Consultant/Contractor must follow the DBE process when re-procuring. This will require you to re-submit a new TWDB-0373 reflecting actual contract dollar amounts and any supporting certification documentation.**

##### **For the Prime:**

As the Prime, you are responsible for ensuring that your project meets EPA's fair share policy for all procurements funded utilizing State Revolving Fund program funds. You should review the subcontractors' DBE documentation and determine them to be in compliance before you submit the TWDB forms and support to the Entity awarding you a contract.

You may request DBE documentation from your subcontractor(s) at the time of bid or after you have been awarded a contract. Keep in mind your project schedule and the timeframes in which you need to obtain TWDB's approvals to continue progressing with your project. Receiving and reviewing forms earlier ensures that you receive approval well in advance of critical deadlines.

Be mindful that should any DBE forms or support documentation come back with any errors, it is your responsibility to correct any deficiencies to achieve compliance. A contract procured without following all of the necessary requirements may result in the need for re-procurement or be funded utilizing an alternate source of funds other than State Revolving Fund program funds. The TWDB's DBE Coordinator is available to assist you in correcting any deficiencies.

If the contract amount for any of your subcontractors change from the time of your initial DBE submission, you **must** submit an updated TWDB-0373 listing the final, actual contract dollar amounts.

**Note: In the event you change any of your subcontractors, for any reason, you must follow the DBE process when re-procuring. This will require you to re-submit a new TWDB-0373 reflecting actual contract dollar amounts and any supporting certification documentation.**

#### **STEP 5. CREATING A BIDDERS LIST (APPLICANTS-ONLY)**

As a recipient of financial assistance, you **must** create and maintain a Bidders List **if** your solicitation is subject to competitive bidding requirements. The list must include all firms that bid or quote on contracts and/or subcontracts. You **must** keep the bidders list until the project is complete, the project period has expired, and you are no longer receiving EPA funding under the financing agreement.

The following information **must** be retained on the Bidders List:

- The firm's name with point of contact
- The firm's mailing address, telephone number and email address
- The procurement on which the firm bid or quoted, and when
- The firm's status as an MBE/WBE.

The TWDB's form, [Affirmative Steps Solicitation Report \(TWDB-0216\)](#), may be used as the official Bidders List.

You may be exempt from the Bidders List requirement if you have received no more than \$250,000 for any single EPA financial assistance agreement OR no more than a combined total of \$250,000 for multiple EPA financial assistance agreements within any one federal fiscal year.

#### **STEP 6. COMPLETING THE NECESSARY DBE FORMS**

If you are completing these steps **prior to closing** on a TWDB financial assistance award:

Applicant: The forms you must complete and sign are the [TWDB-0216](#) and [TWDB-0373](#). These forms document the methods of solicitation used, who was directly solicited and/or made a bid, and who was ultimately awarded a contract. You may have chosen one or more Prime Consultants (typically an Engineer, Financial Advisor, and/or Bond Counsel).

**Prime(s):** You must complete and sign the [TWDB-0217](#) acknowledging you understand the DBE program requirements.

All three of these forms are needed well in advance of your (applicant's) anticipated closing date, as they must be reviewed and approved by TWDB staff before the closing is initiated. Confirm all forms are accurately completed, the required support documentation has been attached, and dated signatures from the appropriate authorized representatives are included.

If you are completing these steps for the **release funds for the planning, acquisition, and/or design phases:**

**Prime(s):** In addition to having the above referenced forms completed, you will need to complete and submit additional forms if you have selected subcontractors. Forms [TWDB-0216](#) and [TWDB-0373](#) should be completed and submitted to the Entity awarding you a contract. These forms document the methods of solicitation used, who was directly solicited and/or made a bid, and who was ultimately awarded a contract. All of these forms are needed in advance of the desired date for release of funds, as they **must** be reviewed and approved by TWDB staff before the release is initiated. Confirm that all forms are accurately completed, the required support documentation has been attached, and dated signatures from the appropriate authorized representatives are included.

If you are completing these steps for a **construction contract(s):**

**Applicant:** Forms [TWDB-0216](#) and [TWDB-0373](#) are required showing your selection process for a Prime Contractor(s).

**Prime(s):** Form [TWDB-0217](#) **must** be completed acknowledging that you understand the DBE program requirements. If subcontractors are utilized, complete forms [TWDB-0216](#) and [TWDB-0373](#) showing your selection process.

These forms are needed in advance of the desired date for release of funds, as they **must** be reviewed and approved by TWDB staff before the release is initiated. Confirm that all forms are accurately completed, the required support documentation has been attached, and dated signatures from the appropriate authorized representatives are included.

**Note: In the event you change any of your subcontractors, for any reason, you must follow the DBE process when re-procuring. This will require you to re-submit a new TWDB-0373 reflecting actual contract dollar amounts and any supporting certification documentation.**

**In the event you run out of space on any of the TWDB forms, you can use your own additional spreadsheet or word document and attach.**

## **STEP 7. [SUMMARIZING THE PROCESS](#)**

The following is a summary of the necessary steps to complete in order to receive a notice of compliance with the DBE program requirements.

- **Applicant:** Publish, post, contact, and/or distribute advertisements soliciting for a Prime Consultant(s)/Contractor(s) for the proposed project. It is recommended that this occur at least

30-days prior to the close of accepting bids. The solicitation advertisement should contain the TWDB's recommended solicitation statement.

- **Applicant:** If applicable, create and retain a copy of a Bidders List (refer to Step 5).
- **Primes:** Complete and submit the Prime Consultant/Contractor Certification form (TWDB-0217) to the Entity awarding you a contract. If instructed to do so by the Entity, also submit the completed form to the TWDB Review Engineer. If sent electronically, copy [DBE@twdb.texas.gov](mailto:DBE@twdb.texas.gov).
- **Primes:** If subcontracting, publish, post, contact, and/or distribute advertisements soliciting subcontractor(s) for the proposed project. It is recommended that this occur at least 30-days prior to the close of accepting bids. The solicitation advertisement should contain the TWDB's recommended solicitation statement.
- **All:** Save all copies, correspondence, etc. documenting the solicitation(s).
- **All:** Based upon the stage of the project, complete all necessary forms associated with the solicitation and award of the contract(s) for Prime Consultant(s)/Contractor(s) or subcontractor(s) (refer to Step 6 for the required forms).
- **All:** Compile all necessary forms from your selected Prime Consultant(s)/Contractor(s) or subcontractor, based upon the stage of the project. Ensure accuracy and completeness of the forms. Coordinate with the submitter should there be any errors.
- **All:** Submit all required documentation to the TWDB Project Reviewer / Engineer assigned to the project. If submitting electronically, copy [DBE@twdb.texas.gov](mailto:DBE@twdb.texas.gov) with the submission.

#### **STEP 8. CHANGES TO SELECTED CONSULTANTS OR CONTRACTORS**

In the event there is a change of Consultant(s)/Contractor(s) or any subcontractor(s), you **must** follow the DBE process when re-procuring.

#### **APPLICANT'S REVIEW OF PRIME CONSULTANT'S/CONTRACTOR'S PROCUREMENTS**

**Before submitting any DBE documentation to the TWDB for an official review, look over the DBE documentation from your Prime Consultants/Contractors to confirm the documents are in order and the procurements are in compliance.**

As a recipient of financial assistance, it is important to remember you are responsible for the Prime Consultant's/Contractor's soliciting of DBE businesses (DBE includes both MBEs and WBEs) for any procurements needed to complete your proposed project. This includes all construction, services, supplies and/or equipment.

If you encounter any errors, most can be corrected for compliance after the bid opening date as long as no awards have been made.

If you are unsure of any information presented to you during the review of the Prime Consultant(s)/Contractor(s) efforts, please contact the TWDB's DBE Coordinator for further instruction or recommendation at (512) 463-0991 or at [DBE@twdb.texas.gov](mailto:DBE@twdb.texas.gov).

Included in these instructions are steps to successfully perform your review of your Prime Consultant(s)/Contractor(s) DBE documentation for this project. Please read them carefully. The term



Prime(s) refers to both Consultants and Contractors. The terms recipient of financial assistance, applicant, or entity may be used interchangeably.

### **STEP 1. REVIEW ANY DRAFT SOLICITATIONS**

Prior to the Prime Consultant(s)/Contractor(s) making any solicitations for subcontractor opportunities, you should review the draft solicitation to ensure that the TWDB's recommended solicitation statement, or the statement with the required solicitation components (see p. 8) is included. For reference, the following should appear in all solicitations:

*This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).*

If this or another form of acceptable language is not included, procurements made through the solicitation may not be compliant with the EPA's DBE Program.

### **STEP 2. ENSURE THAT ALL DOCUMENTATION HAS BEEN PROVIDED BY THE PRIME(S)**

The Prime Consultant(s)/Contractor(s) should provide you, the Applicant:

- [TWDB-0217](#) This form acknowledges that the Prime Consultant/Contractor understands that they **must** follow the DBE program when soliciting for subcontractors.
- [TWDB-0216](#) If subcontractors are utilized, this form should be submitted. The form indicates all businesses solicited for procurement, their contact information, and their MBE/WBE status. The Prime Consultant/Contractor **must** include support documentation demonstrating they have met the Six Good Faith Efforts and followed the correct steps for their selected method(s) of solicitation.
- [TWDB-0373](#) If subcontractors are utilized, this form should be submitted. The form identifies the businesses awarded a procurement contract, their contact information, their MBE/WBE status, an actual or anticipated executed contract date, and contract amount. If any MBE/WBE businesses are contracted, the Prime Consultant/Contractor should include the DBE certification along with the form as support documentation. You **must** review the certification to ensure that the certification comes from an agency acceptable to the EPA. A list of acceptable DBE certification agencies may be found at [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe). *Note: Any businesses operating as brokers may not be listed on the TWDB-0373 as an MBE or WBE.*<sup>3</sup>

### **STEP 3. REVIEW THE SUPPORTING SOLICITATION DOCUMENTATION**

The DBE solicitation should specifically describe the construction work, supplies, equipment, or services that are being solicited, and include the following required DBE language:

<sup>3</sup>*A broker is a business that does not perform, manage, or supervise the work of its sub/contract in a manner consistent with the normal business practices for sub/contractors in its line of business.*



*This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).*

Similar to the solicitation you performed for your Prime Consultant(s)/Contractor(s), the TWDB recommends solicitations for subcontractors be published at least 30 days prior to the bid closing date to allow sufficient time for potential subcontractors to submit bids and proposals. You should ensure that a copy of the actual solicitation found within/on the publication or web page is kept with their and your project files. This information will be needed for submission to the TWDB for official review of DBE compliance.

If the Prime Consultant(s)/Contractor(s) is advertising through a newspaper, it is important to ensure that they have retained a publisher's affidavit showing the dates of the posting(s) and the content of the advertisement. You should also ensure that this support information is saved with their and your project files, as the information will be needed for submission to the TWDB for official review. Be mindful of your applicable local and state procurement laws as they relate to your Prime Consultant's/Contractor's solicitation of subcontractors.

#### **STEP 3A. REVIEW PHONE LOGS, FAX TRANSMITTAL LOGS, EMAIL DELIVERY RECIEPTS, MEETING SIGN-IN SHEET, MINORITY MEDIA POSTING, INTERNET & WEB POSTINGS, TRADE ASSOCIATION PUBLICATIONS AND OTHER GOVERNMENT PUBLICATIONS**

If the Prime Consultant(s)/Contractor(s) chose one of the solicitation methods mentioned above, they are **required** to provide support documentation showing that the TWDB's required solicitation statement was included or mentioned. Review all support documentation to ensure that this requirement was met.

#### **STEP 4. CLOSE COORDINATION**

It is important for you and your Prime Consultant(s)/Contractor(s) to coordinate closely during all phases of your project to ensure that all DBE requirements have been met. Failure to do so may result in project delays or the inability to make use of State Revolving Fund program funds.

#### **STEP 5. NOW THAT YOU HAVE COMPLETED YOUR REVIEW**

Once you have completed your review of the Prime Consultant's/Contractor's solicitation efforts and have determined that they are in compliance, you should keep all documentation on file in the event it is requested for review by the TWDB or the U.S. Environmental Protection Agency. All of the Prime Consultant's/Contractor's DBE solicitation documentation should be included in the DBE compliance package submitted to TWDB.

## CONTRACT ADMINISTRATION REQUIREMENTS

Each procurement contract signed by a recipient of financial assistance must include the following term and conditions:

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.

Additionally, the following U.S. EPA DBE regulations apply:

- A recipient **must** require its Prime Contractor to pay its subcontractor 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 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 employ the Six Good Faith Efforts described in 40 CFR § 33.301 if soliciting a replacement subcontractor.
- A recipient **must** require its Prime Contractor to employ the Six Good Faith Efforts even if the Prime Contractor has achieved its fair share objectives.

## DBE PROGRAM LINKS

TWDB DBE Program Webpage: [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe)

DBE Rules (40 CFR Parts 33, 35, and 40): [www.epa.gov/sites/production/files/2013-09/documents/final\\_dbe\\_rule.pdf](http://www.epa.gov/sites/production/files/2013-09/documents/final_dbe_rule.pdf)

How do I get DBE Certified & Finding Certified firms:

[https://19january2017snapshot.epa.gov/sites/production/files/2013-09/documents/dbe\\_certification\\_process.pdf](https://19january2017snapshot.epa.gov/sites/production/files/2013-09/documents/dbe_certification_process.pdf)

DBE Frequently Asked Questions: <https://www.epa.gov/grants/frequently-asked-questions-disadvantaged-business-enterprises>

Recipient/Applicant Information Notice: <https://www.epa.gov/grants/rain-2019-g10>

## APPENDIX A. GLOSSARY

- **Applicant** – a public or private utility seeking Equivalency funding from the Clean Water State Revolving Fund or the Drinking Water State Revolving Fund.
- **Broker** – a business that does not perform, manage, or supervise the work of its contract or subcontract in a manner consistent with the normal business practices for contractors or subcontractors in its line of business.
- **Construction** – the erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.
- **Non Construction** – not of, relating to, or involving the construction work.
- **Disadvantaged Business Enterprises (DBE)** – an entity owned or controlled by a socially and economically disadvantaged individual as described by Public Law 102-389 (42 U.S.C. §4370d) or an entity owned and controlled by a socially and economically disadvantaged individual as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. §7601 note); a Small Business Enterprise (SBE); a Small Business in a Rural Area (SBRA); or a Labor Surplus Area Firm (LSAF), a Historically Underutilized Business (HUB) Zone Small Business Concern, or a concern under a successor program. This term includes Minority Business Enterprises (MBE) and Women-owned Business Enterprises (WBE).
- **Entity** – See “Applicant”.
- **Equipment** – items procured under a financial assistance agreement as defined by applicable regulations for the particular type of financial assistance received.
- **Equivalency funding** – a term used to categorize projects within the Clean Water State Revolving Fund program identified by the TWDB whose cumulative funding is in an amount equal to the capitalization grant awarded by EPA to the TWDB.
- **Fair Share Goals / Objectives** – are goals based upon the capacity and availability of qualified, certified MBEs and WBEs within the state for the procurement categories of construction, equipment, services, and supplies, compared to the number of all qualified entities within the state for the same procurement categories. The goals are negotiated every three years between the TWDB and EPA. A fair share objective is not a quota; a recipient cannot be penalized for not meeting its fair share objectives; and, once negotiated, fair share objectives remain in place for three years.
- **Fair Share Policy** – a policy maintained by the EPA relating to the “Good Faith Effort” to award a fair share of the work to contractors who are certified as Minority Business Enterprises (MBEs) and Women-owned Business Enterprises (WBEs) whenever procuring construction, supplies, services and equipment. The TWDB’s current negotiated fair share goals are available on page 2. Recipients are not required to meet the fair share goals; however, the EPA may take remedial action under 40 CFR §33.105 for failure to comply with DBE program requirements.
- **Financial Assistance Agreement** – a binding legal agreement between the recipients of financial assistance and the TWDB outlining the terms and conditions for the funding provided and the recipient’s obligations.

- **Force Account** – the part of the expense account of a public body (as a municipality) resulting from the employment of a labor force usually distinguished from the part resulting from contracting similar services with commercial agencies
- **Historically Underutilized Business (HUB)** – a small business organization that appears on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration.
- **Minority Business Enterprises (MBE)** – a Disadvantaged Business Enterprise (DBE) owned and/or controlled by a socially and economically disadvantaged individual other than a Small Business Enterprise (SBE), Labor Surplus Area Firm (LSAF), Small Business in Rural Areas (SBRA), or Women-owned Business Enterprise (WBE).
- **Prime Consultant** – consultants awarded a contract by the recipient of financial assistance, typically during the initial phases of a project; primarily the project’s consulting Engineer, Financial Advisor, and Bond/Legal Counsel.
- **Prime Contractor** – contractors awarded a contract by the recipient of financial assistance, typically during the construction phase of a project.
- **Construction Procurement** – the act of obtaining construction work.
- **Non Construction Procurement**- the act of obtaining and/or purchasing equipment, services, or supplies.
- **Recipient** – See “Applicant”.
- **Services** – a contractor’s labor, time or efforts provided in a manner consistent with normal business practices which do not involve the delivery of a specific end item, other than documents (e.g., reports, design drawings, specifications).
- **Six Affirmative Steps** – also referred to as the Six Good Faith Efforts, are the steps every recipient of financial assistance through the State Revolving Fund must follow, along with their Prime Consultant(s)/Contractor(s), in order to adequately offer the opportunity to make bids for work paid using these funds.
- **Six Good Faith Efforts** – See “Six Affirmative Steps”.
- **Small Business Enterprises (SBE)** – an organization, including its affiliates, independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR Part 121.
- **Subcontractor** – a business awarded a contract by a Prime Consultant/Contractor for specific work, services, supplies, or equipment.
- **Supplies** – items procured under a financial assistance agreement as defined by applicable regulations for the particular type of financial assistance received.
- **Women-owned Business Enterprises (WBE)** – a business which is at least 51% owned or controlled by women for purposes of EPA’s 8% statute or a business concern which is at least 51% owned and controlled by women for purposes of EPA’s 10% statute. Determination of ownership by a married woman in a community property jurisdiction will not be affected by her husband’s 50% interest in her share. Similarly, a business which is more than 50% owned by a married man will not become a qualified WBE by virtue of his wife’s 50% interest in his share.

## APPENDIX B. EXAMPLE ADVERTISEMENTS (REQUEST FOR QUALIFICATIONS)

### ADVERTISEMENT / INVITATION FOR BIDS REQUEST FOR SEALED PROPOSALS

The City of \_\_\_\_ will receive bids for the Lift Station and Sanitary Sewer Rehabilitation Project at \_\_\_\_ City Hall until 3:00 p.m., on the \_\_\_\_ day of \_\_\_\_\_, 2011, at the City \_\_\_\_ City Hall located on 123 Example St., \_\_\_\_\_, Texas 78516, at which time all bids will be received and publicly opened and read. Bids received after the closing time will be returned unopened. NO PRE-BID CONFERENCE WILL BE CONDUCTED.

This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details on the DBE Program and the current, applicable fair share goals, please visit [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).

This contract is to be funded through a loan obtained from the Texas Water Development Board as part of the Clean Water State Revolving Fund. There are a number of special provisions for this funding that bidders, by submitting a bid, acknowledge understanding, including the following: A contract is contingent upon release of funds from the TWDB. Any contract or contracts awarded under this Notice to Bidders are expected to be funded in part by financial assistance from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this Invitation for Bids or any resulting contract.

Equal Opportunity in Employment - All qualified applicants will receive consideration for employment without regard to race, color, national origin, sex, religion, age, or handicap. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under TWDB financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach, which may result in the termination of the awarded financial assistance.

The project will consist of the following:

The City of \_\_\_\_ intends to replace/install/upgrade electrical controls and minor rehab for eight (8) lift stations remove and replace approx. 616 linear feet of 8" sanitary sewer line, remove and replace approx. 1,758 linear feet of 12" clay sanitary sewer line with a 15" PVC sanitary sewer line, remove and replace ten (10) 48" brick manholes with 48" fiberglass manholes.

Contract Documents, including Drawings and Technical Specifications are on file at the City of \_\_\_\_ City Hall or at the office of \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_. Please direct questions to \_\_\_\_\_.

Copies of the Contract Documents and Construction Plans can be examined at \_\_\_\_\_. Bidders, suppliers or sub-contractors may obtain copies of the Contract Documents for bidding purposes at \_\_\_\_\_ for a non-refundable payment of \$100.00 per set, checks made payable to \_\_\_\_\_. A Certified check or bank draft, payable to the order of City of \_\_\_\_\_ or negotiable U.S. Government Bonds (at par value) or a satisfactory Bid Bond executed by the Bidder of an acceptable surety in an amount equal to five percent (5%) of the total bid shall be submitted with each bid.

The City of \_\_\_\_\_ reserves the right to reject any or all bids or to waive any informality in the bidding. Bids may be held by the City of \_\_\_\_\_ for a period not to exceed sixty (60) days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidders' qualifications prior to the contract award.

Small and minority firms are encouraged to submit bids for this project.

## **ENGINEER, BOND COUNSEL, and FINANCIAL ADVISOR - REQUEST FOR QUALIFICATIONS**

The City of \_\_\_\_\_ requests the submission of qualifications statements, which will lead to the possible award of a contract to provide \_\_\_\_\_ services for a project involving the City's Water Treatment Facilities.

### Scope of Work

The services to be obtained for the **Engineer** require: \_\_\_\_\_

The services to be obtained for the **Bond Counsel** require: \_\_\_\_\_

The services to be obtained for the **Financial Advisor** require: \_\_\_\_\_

### Guidelines for Content of Qualification Statements

DO NOT INCLUDE COST INFORMATION with the qualification statement. Responses that include cost or pricing information will be rejected and will not be considered by the City.

Detailed instructions on preparation of the qualification statement must be obtained from the City. For more information on preparing and submitting the qualification statement, contact \_\_\_\_\_, City Administrator, at \_\_\_\_\_. This information should be requested as soon as possible in order to allow time to prepare the document and comply with the procedures.

### Submittal Deadline

Three copies of the qualifications statement must be filed with the City by: \_\_\_\_\_.

### Minimum Qualifications and Selection Criteria

The City will evaluate the proposals to determine which firm has the best qualifications.

### Contract Terms and Negotiation Schedule

The consultant for *Bond Counsel, Financial Advisor, Engineering and Rate Consultant* services is expected to negotiate an agreement for services that is acceptable to the City. If an acceptable contract cannot be negotiated, the City may formally end negotiations and begin negotiating with the next highest qualified person or firm.

This contract is contingent upon release of funds from the Texas Water Development Board (TWDB). Any contract or contracts awarded under this Invitation for Bid (IFB) or Request for Qualifications (RFQ) are expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this IFB, RFQ, or any resulting contract. RFQ's are issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act).

This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) firms. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit [www.twdb.texas.gov/dbe](http://www.twdb.texas.gov/dbe).

The City of \_\_\_\_\_ is an affirmative action/equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Small, minority, and women-owned business enterprises are encouraged to submit proposals.

## APPENDIX C. HOW TO SEARCH THE CMBL AND HUB DIRECTORY

Visit the [Texas Procurement and Support Services \(TPASS\)](https://mycpa.cpa.state.tx.us/tpasscmbllsearch/index.jsp) website at <https://mycpa.cpa.state.tx.us/tpasscmbllsearch/index.jsp>.

The screenshot shows a web browser window with the URL <http://www.cpa.state.tx.us/procurement/cmbll/cmbllhub.html>. The page title is "Window on State Government". The main heading is "Centralized Master Bidders List (CMBL) & Historically Underutilized Business (HUB) Search".

**Search:**  
 CMBL only,  HUBs on CMBL,  HUBs not on CMBL  
 HUB Mentor Protege,  All Vendors

**Vendor ID:**  ?  
**Vendor Number:**  ?  
**Vendor Name:** begins with  Name  ?  
**Include Inactive Vendors:**  ? **Small Businesses Only:**  Yes,  No

**Selection 1:** Class Code:  Item:  District:   
**Selection 2:** Class Code:  Item:  District:   
**Selection 3:** Class Code:  Item:  District:  ?  
[Class Code](#) | [Item Code](#) | [District](#)

**Texas County:**   
**City:** begins with   
**Zip:** begins with   
**Sort by:** Vendor Name   
**Output as:** Detail List   
**Results:** return all matches

*Output may contain coded information in [Hub Status](#) and [Reason Off CMBL](#)*

**Related Links**  
[CMBL Registration](#)  
[HUB Directory](#)  
[HUB Mentor Protege Agreement Listing](#)  
[System for Award Management \(EPLS\)](#)  
[Debarred Vendors List](#)

NIGP Class-Item Codes contain 5-digits. To obtain the five-digit code, combine the three-digit class code with its corresponding two-digit item number.

**Step 1:** Go to the TPASS website.

**Step 2:** Select the type of business search: CMBL only, HUBs on CMBL, HUBs not on CMBL, HUB mentor protégé, or all vendors.

**Step 3:** Enter the respective commodity class, item and district codes (please see next page for related water and wastewater commodities) and click on Search.

**Step 4:** On the following page, select the information you would like to obtain from the database: contact information, address, business description, gender, ethnicity, and website.

**Step 5:** Search Results will appear with the requested information.

**Step 6:** Click on the Vendor ID or business name to pull up detailed vendor information to confirm HUB status (A = Active, N = Not HUB), contact information, and registered commodities.

**Step 7:** Gather physical or email contact information from the search results list.



## Example National Institute of Government Purchasing (NIGP) Commodity Codes

Class	Item(s)	Description
890 (Water Supply, Groundwater, Sewage Treatment, and Related Equipment)	01 - 95	Equipment (various)
907 (Architectural and Engineering Services – Non-Professional)	42	Geotechnical – Soils
907 (Architectural and Engineering Services – Non-Professional)	75	Site Assessment and Site Field Observation
907 (Architectural and Engineering Services – Non-Professional)	83	Testing Services
912 (Construction Services, General)	16	Boring, Drilling, Testing, Soundings
912 (Construction Services, General)	23	Construction, General (Backfill Services, Digging, Ditching, Road Grading, Rock Stabilization)
912 (Construction Services, General)	40	Demolition Services
912 (Construction Services, General)	44	Excavation Services
912 (Construction Services, General)	75	Quality Control Testing Services
913 (Construction Services, Heavy – Including Maintenance and Repairs)	39	Construction, Pipe Culvert
913 (Construction Services, Heavy – Including Maintenance and Repairs)	40	Construction, Pipeline
913 (Construction Services, Heavy – Including Maintenance and Repairs)	45	Construction, Sewer and Storm Drain
913 (Construction Services, Heavy – Including Maintenance and Repairs)	47	Construction, Sidewalk and Driveway
913 (Construction Services, Heavy – Including Maintenance and Repairs)	56	Construction, Utility/Underground Projects
913 (Construction Services, Heavy – Including Maintenance and Repairs)	59	Construction and Upgrades, Wastewater Treatment Plant
913 (Construction Services, Heavy – Including Maintenance and Repairs)	60	Construction, Water System/Plants, Main and Service Line
913 (Construction Services, Heavy – Including Maintenance and Repairs)	63	Lime Slurry Removal Services
913 (Construction Services, Heavy – Including Maintenance and Repairs)	77	Maintenance and Repair, Pipe Culvert
913 (Construction Services, Heavy – Including Maintenance and Repairs)	78	Maintenance and Repair, Pipeline (Includes Removal and Relocation)
913 (Construction Services, Heavy – Including Maintenance and Repairs)	81	Maintenance and Repair, Sewer and Storm Drain (Including Removal)
913 (Construction Services, Heavy – Including Maintenance and Repairs)	82	Maintenance and Repair, Sidewalk and Driveway (Including Removal)
913 (Construction Services, Heavy – Including Maintenance and Repairs)	89	Maintenance and Repair, Utility/Underground Projects
913 (Construction Services, Heavy – Including Maintenance and Repairs)	91	Maintenance and Repair, Wastewater Treatment Plant
913 (Construction Services, Heavy – Including Maintenance and Repairs)	92	Maintenance and Repair, Water System, Main and Service Line
914 (Construction Services, Trade (New Construction))	27 -88	Construction Trades (various)
918 (Consulting Services)	16	Archeological Consulting
918 (Consulting Services)	41	Energy Conservation Consulting

Class	Item(s)	Description
918 (Consulting Services)	42	Engineering Consulting
918 (Consulting Services)	43	Environmental Consulting
918 (Consulting Services)	46	Feasibility Studies (Consulting)
918 (Consulting Services)	55	Geological Consulting and Study
918 (Consulting Services)	72	Lakes, Rivers, and Other Waterway Management Consulting Services
918 (Consulting Services)	74	Legal Consulting
918 (Consulting Services)	97	Utilities: Gas, Water, Electric Consulting
925 (Engineering Services, Professional)	17	Civil Engineering
925 (Engineering Services, Professional)	24	Desalination (Process and Facilities) Engineering
925 (Engineering Services, Professional)	28	Drainage Engineering
925 (Engineering Services, Professional)	33	Engineer Services, Professional
925 (Engineering Services, Professional)	34	Energy Management Engineering
925 (Engineering Services, Professional)	35	Environmental Engineering
925 (Engineering Services, Professional)	36	Engineering Services (Not Otherwise Classified)
925 (Engineering Services, Professional)	37	Facilities Design Services, Engineering
925 (Engineering Services, Professional)	44	General Construction: Management, Scheduling, Cost Estimation – Engineering
925 (Engineering Services, Professional)	45	Geological Engineering
925 (Engineering Services, Professional)	46	Geotechnical Engineering
925 (Engineering Services, Professional)	58	Irrigation; Drainage: Flood Control/Engineering
925 (Engineering Services, Professional)	61	Land Development and Planning/Engineering
925 (Engineering Services, Professional)	70	Municipal Engineering
925 (Engineering Services, Professional)	77	Pollution Control Engineering
925 (Engineering Services, Professional)	78	Power Generation, Transmission, Distribution - Engineering
925 (Engineering Services, Professional)	83	Sanitary Engineering
925 (Engineering Services, Professional)	87	Sewage Collection, Treatment, and Disposal Engineering
925 (Engineering Services, Professional)	96	Waste Water Treatment Engineering
925 (Engineering Services, Professional)	97	Water Supply, Treatment, and Distribution/Engineering
926 (Environmental and Ecological Services)	14	Air Pollution Control Services (Including Data Collection Research and Development, etc.)
926 (Environmental and Ecological Services)	23	Auditing Services, Environment
926 (Environmental and Ecological Services)	29	Contaminated Groundwater Services (Including Discharge Pipe Installation)
926 (Environmental and Ecological Services)	40	Ecological Services
926 (Environmental and Ecological Services)	41	Ecosystem Development, Management and Protection Services
926 (Environmental and Ecological Services)	42	Environmental Services (Not Otherwise Classified)
926 (Environmental and Ecological Services)	52	Impact Studies, Environmental
926 (Environmental and Ecological Services)	62	Noise Testing Services
926 (Environmental and Ecological Services)	70	Permitting Services, Environmental
926 (Environmental and Ecological Services)	72	Planning and Advisory Services, Environmental
926 (Environmental and Ecological Services)	83	Site Assessment, Environmental
926 (Environmental and Ecological Services)	85	Soil, Soil Vapor, and Groundwater Sampling and Analysis (Including Disposal)
926 (Environmental and Ecological Services)	88	Storm Water Discharge Testing Services
926 (Environmental and Ecological Services)	90	Subsurface Testing, Environmental

Class	Item(s)	Description
926 (Environmental and Ecological Services)	91	Tank Testing and Disposal Services, Storage (Including Underground Types)
926 (Environmental and Ecological Services)	94	Water Pollution Services
926 (Environmental and Ecological Services)	95	Water/Wastewater Conservation Services
926 (Environmental and Ecological Services)	96	Wetland Delineations (Including Assessments)
946 (Financial Services)	25	Banking Services
946 (Financial Services)	30	Cash/Securities and Bonding Services
946 (Financial Services)	38	Custom Brokerage Services (Including Stocks and Bonds)
946 (Financial Services)	48	Financial Advisor
946 (Financial Services)	49	Financial Services (Not Otherwise Classified)
946 (Financial Services)	56	Investment Management Services
946 (Financial Services)	60	Loan Administration
946 (Financial Services)	66	Monetary Systems (Including Analysis, Liquidity, Policy, etc.)
946 (Financial Services)	75	Securities and Commodities Market Services (Including Direct or Indirect Purchases, Sales and Transactions of Equities, Fixed Income, Options, and Derivatives on an Agency and Principal Basis)
946 (Financial Services)	85	Trusts, Estates and Agency Accounts
958 (Management Services)	05	Asset Management Services
958 (Management Services)	12	Bio-Solids Management Services
958 (Management Services)	26	Construction Management Services
958 (Management Services)	39	Financial Management Services
958 (Management Services)	77	Project Management Services
958 (Management Services)	85	Soil and Land Management Services (Including Testing, Protection, Preparation, Planning, etc.)
961 (Miscellaneous Services, No 1. ( Not Otherwise Classified))	01	Archeological Services
961 (Miscellaneous Services, No 1. ( Not Otherwise Classified))	32	Environmental Impact Studies
961 (Miscellaneous Services, No 1. ( Not Otherwise Classified))	49	Legal Services, Attorney
961 (Miscellaneous Services, No 1. ( Not Otherwise Classified))	85	Utility Services, Water
961 (Miscellaneous Services, No 1. ( Not Otherwise Classified))	91	Water and Petroleum Pipeline Services
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	14	Blue Printing Services: Blue Prints, Blue Line, Large Engineering
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	39	Hauling Services
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	50	Leak Detection Services: Gas, Water, Chemical
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	52	Mapping Services (Including Cartography and Surveying Services (Not Aerial – See 902-33 and 905-10 for Aerial Mapping and Surveying Services)
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	92	Video Scanning of Sewers, Water Wells, etc.
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	94	Water Services, Bottled and Bulk Delivery (Tanker Services)

<b>Class</b>	<b>Item(s)</b>	<b>Description</b>
962 (Miscellaneous Services, No 2. ( Not Otherwise Classified))	96	Well Services (Including Oil, Gas, and Water): Drilling, Plugging, Consulting, Maintenance and Repair
968 (Public Works and Related Services)	18	Back Flow Preventer Testing Services
968 (Public Works and Related Services)	47	Inspection Services, Construction Type
968 (Public Works and Related Services)	63	Relocation and/or Removal Services for Utility Works
968 (Public Works and Related Services)	66	Right of Way Services (Including Title, Appraisal, Negotiation, Closing, Relocation, Condemnation, etc.)
968 (Public Works and Related Services)	73	Storm Drain Cleaning, Repair, and Sludge Removal Services
968 (Public Works and Related Services)	78	Tank Installation, Removal, Disposal, and Related Services (Including Septic and Underground Type)
968 (Public Works and Related Services)	91	Water Supply Analysis, Infrastructure Analysis, Water Quality Analysis, and Long-Term Planning
968 (Public Works and Related Services)	92	Water Supply Plant Operating and Monitoring System Services (Including Water Resources Development and Water Quality Management Services)
968 (Public Works and Related Services)	96	Water and Wastewater Treatment Services

**APPENDIX D. EXAMPLES OF DIRECT SOLICITATIONS**

**Example Call/Fax Log**

For facsimiles, a copy of one of the faxed information should be provided with the completed TWDB-0216 form submission.

**DBE Call Log  
City of Yaleville Water Treatment Plant Project  
DWSRF**

Date: 10/15/16  
 Contact: Carl Sagan, Manager  
 Company: Goldberg Instruments LLC  
 Phone No.: 313.555.7199  
 Certification: Not a MBE/WBE  
 Comments: Requested a quote on lab equipment for water quality testing. Emailed the ad used in The Yaleville Herald classifieds.

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date: 10/15/16  
 Contact: Neil deGrasse Tyson, Owner  
 Company: N.E.G. Instruments, LLC  
 Phone No.: 313.555.1000  
 Certification: MBE, Certified by City of Austin  
 Comments: Requested a quote on lab equipment for water quality testing. Emailed this ad from The Yaleville Herald classifieds.

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date: 10/16/16  
 Contact: Michio Kaku, President  
 Company: Bottom Page Instrument Company  
 Phone No.: 313.559.4322  
 Certification: MBE, Certified by Texas D.O.T.  
 Comments: Requested a quote on lab equipment for water quality testing.

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Date: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Certification: \_\_\_\_\_  
 Comments: \_\_\_\_\_

**Example Email**

**From:** Felix Stanton

**Sent:** Monday, November 28, 2016 4:32 PM

**To:** Rose Mendoza (rmendoza@shiplap.com)

**Subject:** Yaleville WTP RFT

**Importance:** High

**Attachments:** Yaleville WTP Project RFT

Ms. Mendoza,

The City of Yaleville is seeking a response to this Request for Tender (RFT) for lab equipment for water quality testing.

**Example US Mail**

Along with the Certified mail receipts (shown below), a copy of one of the mailed letters should be provided with the completed TWDB-0216 form submission.

7011 3500 0000 7522 1266

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**COLLEYVILLE TX 76034**  
**OFFICIAL USE**

Postage	\$ 0.45	0086
Certified Fee	\$2.95	15
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.40</b>	12/12/2012

Sent to  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP

Thompson Terrace  
 Colleyville, Texas 76034

PS Form 3800

7011 3500 0000 7522 1295

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**AUSTIN TX 78757**  
**OFFICIAL USE**

Postage	\$ 0.45	0086
Certified Fee	\$2.95	15
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.40</b>	12/12/2012

Sent to  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP

Northcross Drive, Suite 211  
 Austin, Texas 78757

PS Form 3800

7011 3500 0000 7522 1301

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**AUSTIN TX 78739**  
**OFFICIAL USE**

Postage	\$ 0.45	0086
Certified Fee	\$2.95	15
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.40</b>	12/12/2012

Sent to  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP

Lost Oasis Hollow  
 Austin, Texas 78739

PS Form 3800

7011 3500 0000 7522 1316

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**DALLAS TX 75219**  
**OFFICIAL USE**

Postage	\$ 0.45	0086
Certified Fee	\$2.95	15
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.40</b>	12/12/2012

Sent to  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP

Turtle Creek Boulevard,  
 Suite 1151  
 Dallas, Texas 75219

PS Form 3800

7011 3500 0000 7522 1325

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**SUGAR LAND TX 77479**  
**OFFICIAL USE**

Postage	\$ 0.45	0086
Certified Fee	\$2.95	15
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.40</b>	12/12/2012

Sent to  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP

Southwest Freeway, Suite 227  
 Sugar Land, Texas 77479

PS Form 3800

f

**ATTACHMENT 1 – AFFIRMATIVE STEPS CERTIFICATION AND GOALS (TWDB-0215)**

To download this document, view [TWDB-0215](#) from the TWDB website

FOR OFFICE USE ONLY Commitment # _____	TWDB-0215 Revised 05/15/2023		
<p><b>TWDB-0215</b>  <b>APPLICANT/ENTITY</b>  <b>TEXAS WATER DEVELOPMENT BOARD</b>  <b>AFFIRMATIVE STEPS CERTIFICATION and GOALS</b></p>			
<b>I. PROJECT INFORMATION</b>			
<b>TWDB Project Number</b>	<b>Applicant/Entity Name</b>	<b>Total of TWDB Funding Request</b>	<b>Program Type</b> (Insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF)
<b>II. GOOD FAITH EFFORT (Applicable to all PRIME contracts awarded by the applicant/entity)</b>			
I understand that it is my responsibility to comply with all state and federal regulations and guidance in the utilization of Minority and Women-Owned Businesses in procurement. I certify that I will make a good faith effort to afford opportunities for Minority Business Enterprise (MBE), and Women-Owned Business Enterprise (WBE) by:			
1. Including qualified MBEs and WBEs on procurement solicitation lists			
2. Soliciting potential MBE's and WBE's			
3. Reducing contract size/quantities when economically feasible to permit maximum participation by MBE's and WBE's			
4. Establishing delivery schedules to encourage participation by MBE's and WBE's			
5. Using the services and assistance of the Small Business Administration, Minority Business Development Agency, U.S. Department of Commerce, and Texas Marketplace			
6. Requiring all Prime Consultants/Contractors to follow steps 1-5 listed above in employing MBE and WBE Subcontractors			
<b>Signature - Applicant/Entity Representative</b>		<b>Title (print legibly)</b>	<b>Date</b>
<b>III. PROJECT PARTICIPATION ESTIMATES</b>			
The fair share goals are temporarily waived from being negotiated with EPA Region 6. Entities receiving federal financial assistance are still subject to the TWDB's goals and may not substitute them with other agency or program goals.			
The Fair Share Goals for categories CONSTRUCTION and NON-CONSTRUCTION are 8%. This is in accordance with the EPA's 8% statute, 42 U.S.C. 4370d, and are effective until superseded.			
<b>IV. TWDB APPROVAL SIGNATURE</b>			
Signature Indicates the form meets DBE Requirements.			
<b>DBE Coordinator</b>		<b>Approval Date</b>	



**ATTACHMENT 2 – AFFIRMATIVE STEPS CERTIFICATION AND GOALS (TWDB-0216)**

To download this document, view [TWDB-0216](#) from the TWDB website.

Page 1 of 2	<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOR OFFICE USE ONLY Comments: _____</div>	TWDB-216 Revised 06/21/2012	
<p><b>TWDB-0216</b>  <b>TEXAS WATER DEVELOPMENT BOARD</b>  <b>AFFIRMATIVE STEPS SOLICITATION REPORT</b></p>			
<b>I. PROJECT INFORMATION</b>			
<b>TWDB Project Number</b>	<b>Applicant/Entity Name</b>	<b>Total TWDB Funding Request</b>	<b>Program Type</b> (Insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF)
<b>Project Name:</b> _____ <b>Solicitation By:</b> <input type="checkbox"/> Applicant/Entity OR <input type="checkbox"/> Prime Contracted Business: _____ <b>Project Phase:</b> <input type="checkbox"/> Prior to Closing <input type="checkbox"/> Release of funding for PADs <input type="checkbox"/> Construction Contract # _____			
<b>II. SOLICITATION METHOD(S) UTILIZED</b>			
<p>At least two methods of solicitation are required. Select the method(s) utilized for the solicitation. Copies of the actual postings, direct contact email/phone log, etc. must be attached to this form as support documentation for each method used. Failure to adequately follow these steps will result in the requirement to complete additional steps in order to become compliant.</p>			
<input type="checkbox"/> Newspaper Advertisements <input type="checkbox"/> Meetings or Conferences <input type="checkbox"/> Trade Association Publications <input type="checkbox"/> Minority Media <input type="checkbox"/> Internet & Web Postings <input type="checkbox"/> Other Government Publications <input type="checkbox"/> Direct Contact by Phone, Fax, USPS Mail, or Email*			
<p><i>*If using direct contact, entities must solicit to a minimum of 3 businesses/firms (at least one being a DBE) for each category of contract sought (i.e., construction, supplies, equipment, or services) to demonstrate a Good Faith Effort. DBE businesses/firms may be contacted to certify compliance.</i></p>			
<b>III. PROJECT BIDDERS LIST:</b>			
<p>List on the following table, or provide on a separate list, <u>only</u> the business entities directly solicited for procurement or that submitted a bid for consideration.</p>			
<b>Instructions for Columns 1 - 5</b>	1 - List the actual date business was contacted 2 - Full business name (line one) & point of contact (line two) 3 - Business address 4 - Telephone number 5 - Email address for the business		
<b>Instructions for Column 6</b>	Enter one of the following procurement or contract categories: <b>Construction or Non-Construction (\$SUPPLIES – EQUIPMENT – SERVICES)</b> For detailed definitions, review guidance document, TWDB-0210.		
<b>Instructions for Column 7</b>	Enter the type of business: <b>MBE - Minority Business Enterprise,</b> <b>WBE - Women-owned Business Enterprise, or</b> <b>OTHER - Company or firm is Non-MBE or WBE</b>		
<p><b>Notice:</b> Entities receiving State Revolving Fund financial assistance must create and maintain a Bidders List if the entity is subject to, or chooses to follow, competitive bidding. The Bidders List must include all firms that bid or quoted on contracts under EPA assisted projects, including both MBE/WBEs and non-MBE/WBEs. Entities must keep all Bidders Lists until project completion or the recipient is no longer receiving EPA funding under the loan, whichever is later. Entities with loans totaling less than \$250,000 during a state fiscal year are exempt from the Bidders List requirement but must still meet DBE program requirements. The Bidders List requirement also applies to all Prime Contracted Businesses/Firms that make subcontracting.</p>			

**ATTACHMENT 2 – AFFIRMATIVE STEPS CERTIFICATION AND GOALS (TWDB-0217)**

To download this document, view [TWDB-0217](#) from the TWDB website.

FOR OFFICE USE ONLY: Commitment # _____	<b>TWDB-0217</b> <b>TEXAS WATER DEVELOPMENT BOARD (TWDB)</b> <b>PRIME CONSULTANT/CONTRACTOR CERTIFICATION</b>	TWDB-0217 Revised 05/15/2023			
<b>I. PROJECT INFORMATION</b>					
<b>TWDB Project Number</b>	<b>Applicant/Entity Name</b>	<b>Total of TWDB Funding</b>			
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; font-size: x-small;">Program Type (Insert "X" for all that apply)</td> </tr> <tr> <td style="text-align: center; font-size: x-small;"><input type="checkbox"/> Drinking Water SRF (DWGRF)</td> </tr> <tr> <td style="text-align: center; font-size: x-small;"><input type="checkbox"/> Clean Water SRF (CWGRF)</td> </tr> </table>	Program Type (Insert "X" for all that apply)	<input type="checkbox"/> Drinking Water SRF (DWGRF)	<input type="checkbox"/> Clean Water SRF (CWGRF)
Program Type (Insert "X" for all that apply)					
<input type="checkbox"/> Drinking Water SRF (DWGRF)					
<input type="checkbox"/> Clean Water SRF (CWGRF)					
<b>Prime Consultant/Contractor:</b> _____ <b>Contract Number:</b> _____ <b>Contract Amount:</b> _____					
<b>II. GOOD FAITH EFFORT (Applicable to all subcontracts awarded by the prime contractor/consultant)</b> I understand that it is my responsibility to comply with all state and federal regulations and guidance in the utilization of Minority and Women-owned Businesses in procurement. I certify that I will make a "good faith effort" to afford opportunities for Minority Business Enterprise (MBE), and Women-owned Business Enterprise (WBE) by:					
1.	Including qualified MBEs and WBEs on procurement solicitation lists				
2.	Soliciting potential MBEs and WBEs				
3.	Reducing contract size/quantities when economically feasible to permit maximum participation by MBEs and WBEs				
4.	Establishing delivery schedules to encourage participation by MBEs and WBEs				
5.	Using the services and assistance of the Small Business Administration, Minority Business Development Agency, U.S. Department of Commerce, and Texas Marketplace				
6.	Submitting documentation to the Applicant/Entity to verify good faith effort, steps 1-5.				
<input type="checkbox"/>	<b>EXCEPTION:</b> As the Prime Consultant/Contractor, I certify that I have reviewed the contract requirements and found no available subcontracting opportunities. I also certify that I will fulfill 100 percent of the contract requirements with my own employees and resources. (Check if applicable)				
<b>Signature – Prime Consultant/Contractor</b>		<b>Title (print legibly)</b>			
		<b>Certification Date</b>			
<b>III. PROJECT PARTICIPATION ESTIMATES</b>  The fair share goals are temporarily waived from being negotiated with EPA Region 6. Entities receiving federal financial assistance are still subject to the TWDB's goals and may not substitute them with other agency or program goals.  <b>The Fair Share Goals for categories CONSTRUCTION and NON-CONSTRUCTION are 8%. This is in accordance with the EPA's 8% statute, 42 U.S.C. 4370d, and are effective until superseded.</b>					
<b>IV. TWDB APPROVAL SIGNATURE</b> Signature Indicates the form meets DBE Requirements.					
<b>DBE Coordinator</b>		<b>Approval Date</b>			

**ATTACHMENT 4 – PARTICIPATION SUMMARY (TWDB-0373)**

To download this document, view [TWDB-0373](#) from the TWDB website.

Page 1 of 2 TWDB-0373  
Revised 05/15/2013

**FOR OFFICE USE ONLY**  
Worksheet # \_\_\_\_\_

**TWDB-0373  
TEXAS WATER DEVELOPMENT BOARD  
PARTICIPATION SUMMARY  
PROJECT INFORMATION**

TWDB Project Number	Applicant/Entity Name	Total TWDB Funding Request	Program Type (insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF)

**Project Name:** \_\_\_\_\_

**Solicitation By:**  Applicant/Entity OR  Prime Contracted Business: \_\_\_\_\_

**Project Phase:**  Prior to Closing  Release of funding for PADs  Construction Contract # \_\_\_\_\_

**Instructions**

**Column 1** Enter the full name, street address, city/state/zip for each firm awarded a contract for the project.

**Column 2** Enter one of the following procurement or contract categories:  
**CONSTRUCTION / NON-CONSTRUCTION** (Services, Equipment, Supplies)

**Column 3** Enter the type of business: **MBE (Minority Business Enterprise)**, **WBE (Women-owned Business Enterprise)**, or **OTHER (NOTE: OTHER = Company or firm is Non-MBE or WBE)**

**Column 4** Enter the exact amount of the awarded contract.

**Column 5** Enter the exact date the contract was executed or the proposed date of contract execution.

If valid MBE/WBE firms are awarded contracts, a copy of their certification is required to be attached with this form for each MBE/WBE business listed.

**Notice:** Brokers may not be listed below as an MBE or WBE. A broker is a firm that does not perform, manage, or supervise the work of its sub/contract in a manner consistent with the normal business practices for sub/contractors in its line of business. For more specifics, review guidance document, TWDB-0210.

**I. LIST OF ACTUAL CONTRACTS/PROCUREMENTS**

	Column 1 Name & Address of Contracted Firm/Vendor	Column 2 Procurement Category Construction Or Non-construction	Column 3 MBE/WBE Status	Column 4 Contract Amount (\$)	Column 5 Contract Execution Date
1.					
2.					
3.					
4.					
5.					
6.					

*(Table continues on the next page)*