



SRF Program DBE Requirements: Pre-Bid

- ❖ Contractors must comply with the six good faith efforts during the competitive bid process.
- ❖ The Prime Contractor must provide the completed DBE Subcontractor Utilization Form and DBE Subcontractor Performance Form (EPA Forms 6100-4 and 6100-3) with the bid. The Owner is required to submit these documents to NH DES when authorization to award the contract to lowest responsive and responsible BIDDER is requested.
- ❖ State Revolving Fund loan recipients and their contractors must comply with the DBE Rule Program requirements throughout the life of the project.
- ❖ Continued compliance is demonstrated by updating the bidders list as additional subcontractors or suppliers are solicited.
- ❖ The Prime Contractor must submit the cumulative bidders list to the Loan Recipient once the project is complete and upon request by the Loan Recipient.
- ❖ The Loan Recipient must submit the cumulative bidders list to NH DES once the project is complete.
- ❖ Report Annually by October 15th (October-September).

Each procurement contract executed by the prime contractor with a supplier or subcontractor **must include the following term and condition: 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. (Appendix A to Part 33—Term and Condition)**

Fair Share Objectives (MBE/WBE goals)

1. Ensure MBE/WBEs are made aware of contracting opportunities through outreach and recruitment.
2. Ensure that MBEs/WBEs are encouraged to bid once the minimum 30-day bid solicitation begins.
3. Where feasible, divide bid items into smaller tasks to permit maximum MBE/WBE participation.
4. Encourage contracting with a consortium of MBE/WBEs when a contract is too large for one MBE/WBE firm to handle individually.
5. Use the services and assistance of the Small Business Administration and Minority Business Development Agency of the U.S. Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in 1 through 5, above.

Link to New Hampshire Certified DBE Directory:

<http://www.nh.gov/dot/org/administration/ofc/documents/CompleteDBEDirectory.pdf>