

*Orphan Site Cleanup Fund
DBE Instructions*

State Water Resources Control Board
Division of Financial Assistance (DFA)
1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: <http://www.waterboards.ca.gov>

Compliance Guidelines for Orphan Site Cleanup Fund (OSCF) Program
Disadvantaged Business Enterprise (DBE)
January 2010

This document and attachments shall be included by the owner as a contract provision for all contracts exceeding \$10,000.

Compliance with the requirements of this document and attachments satisfies the DBE requirements of the U. S. Environmental Protection Agency and the State Water Resources Control Water Board. This document supersedes any conflicting requirements.

Failure to take the five (5) affirmative steps listed under Requirements, Section 3, prior to bid opening and to submit “Disadvantaged Business Enterprise Information” (Form 4) with the bid shall cause the bid to be rejected as a non-responsive bid.

NOTE: On March 26, 2008, the Environmental Protection Agency (EPA) Office of Small Business Programs (OSBP) published its final rule, “Participation by Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency Financial Assistance Agreements (DBE Rule) in the Federal Register (40 CFR Part 30-40). The final rule took effect on May 25, 2008. The EPA DBE Program encompasses many of the components of the former MBE/WBE Program and also includes changes.

Some changes are:

- Creation of the Disadvantaged Business Enterprise (DBE) Program (formerly the Minority Business Enterprise/Women’s Business Enterprise (MBE/WBE) Program).
- OSCF applicants must negotiate fair share objectives with the agency, and now the fair share objectives and supporting documentation must be submitted within 120 days after acceptance of the assistance award.
- The “Six Affirmative Steps” and “Six Positive Efforts” were combined into the “Six Good Faith Efforts.”
- OSCF applicants who reported quarterly under the old MBE/WBE program will now report semi-annually.
- MBE’s and WBE’s can no longer self-certify. They must be certified by EPA, Small Business Administration (SBA), Department of Transportation (DOT) or by state, local, Tribal or private entities whose certification criteria match EPA’s. (MBEs and WBEs must be certified in order to be counted toward a OSCF applicant’s MBE/WBE accomplishments.) The new requirements affect all financial assistance agreements entered into from the effective date of the rule (May 25, 2008). The new DBE rule won’t affect those financial assistance agreements entered into before May 25, 2008; those will still operate under the old MBE/WBE program requirements.

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Section 1: PROCUREMENT PROCESS

REQUIRED FOR ORPHAN SITE CLEANUP FUND DIVISION OF FINANCIAL ASSISTANCE (DFA)

The purpose of this document is to provide a summary of the DBE “Good Faith” effort for OSCF contractors and OSCF applicants. Section 1 provides the contractor and OSCF applicant with a brief overview of the Procurement process. The DBE “Good Faith” effort is one element of the Procurement process summarized below. The Procurement package submitted to DFA for approval must contain all of the following:

1. Procurement package as summarized in the OSCF Grant Guidance (go to http://www.waterboards.ca.gov/water_issues/programs/ustcf/oscf.shtml) ;
2. Tabulation of all bids received and copies of all bids submitted;
3. A copy of the bid proposal chosen;
4. Evidence of advertising (submit a copy of newspaper advertisement for the project);
5. All DBE documentation, which includes Forms 1 through 6. Also, documentation that the local Small Business Administration and Minority Business Development Agency centers was contacted. (See **Section 3, Step 3, Paragraph 3 for solicitation time frames**);

Detailed directions for the procurement package can be found in the Grant guidance sent upon acceptance into the OSCF program. If you have any questions regarding the procurement process, please contact Pearl Cross at (916) 327-7846 or pcross@waterboards.ca.gov or Carmen Harms at (916) 341-5495 or charms@waterboards.ca.gov.

Section 2: PRIME CONTRACTOR & OSCF APPLICANT RESPONSIBILITIES

PARTICIPATION RESPONSIBILITIES FOR PRIMES AND THEIR SUBCONTRACTORS

All OSCF applicants of federal funds from the U. S. Environmental Protection Agency (USEPA), as well as their prime contractors and subcontractors, must make every effort to solicit bids from eligible DBEs. This information must be documented and reported to DFA as described in this document.

The DBE responsibilities of the prime contractor are:

1. To conduct a “Good Faith” effort to ensure maximum DBE participation in the project;
2. Complete or obtain from DBE subcontractors, all of the completed forms required in these guidelines (Forms 1-5) and submit them to the OSCF applicant; and
3. Report actual DBE participation on a semi-annual basis to the OSCF applicant.

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The DBE responsibilities of the OSCF Applicant are:

1. To ensure that the prime contractor meets the responsibilities identified in these guidelines;
2. Submit all documentation identified in these guidelines to DFA and maintain all records in the project files for later access or auditing; and
3. Provide semi-annual reports on DBE procurements to DFA.

Section 3: “Good Faith” Effort Process

Any public or private entity receiving federal funds must demonstrate that efforts were made to attract DBEs on any OSCF grants. The process to attract DBEs is referred to as the “Good Faith” effort. This effort requires the OSCF applicant, prime contractor and any subcontractors to take the steps listed below to assure that DBEs are used whenever possible as sources of supplies, construction, equipment or services. Failure to take the steps outlined below and submit Form 4, Prime Contractor/OSCF applicant Selected DBEs, prior to bid opening, shall cause the bid to be rejected as non-responsive. Use Forms **1 through 5** to document the process, **6 is completed by the OSCF applicant/prime contractor**. If it is not practical or possible to comply with one or more of the five steps, prepare an explanation and submit it with the Procurement package.

STEP 1: Divide the total requirements, when economically feasible, into small tasks or quantities to permit maximum participation. Evidence submitted must illustrate that the work was divided into small proprietary portions (e.g. excavation, waste disposal, well installation, and laboratory).

STEP 2: Establish delivery schedules, when work requirements permit, that encourage maximum DBE participation.

STEP 3: Use the services of the U.S. Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U. S. Department of Commerce (DOC) in soliciting qualified DBEs. Utilization of these resources is required at no cost. These agencies offer several services, including Internet access to databases of DBEs. SBA’s database is (<http://www.ccr.gov/>). (See page 19 for instructions to access the database).

For additional assistance, the OSCF applicant or contractor can telephone the local offices of both agencies in their area (SBA Minority Enterprise Development Offices and DOC MBDA Regional Centers). The Internet web sites also include names, addresses, and phone or fax numbers of local SBA and MBDA centers. There are contact phone numbers listed in Step 5 that will assist you in reaching the two offices if the Internet is unavailable. **Do not write to these sources.**

The OSCF applicant must provide documentation that the local SBA/MBDA offices or web sites were notified of the contracting bid opportunity at least **fifteen working days prior to bid opening** and solicitation to DBE prime contractors at least **ten working days prior to bid opening**. Documentation must not only include the efforts to contact the information sources and list the contract opportunity, but also the solicitation and response to the bid request.

STEP 4: Include qualified DBEs on solicitation lists (Form 1) and record the information. Solicitation should be as broad as possible. The following web sites include a list of available sources for expanding the search for eligible DBEs: <http://www.sba.gov>. (<http://www.ccr.gov>)

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and <http://www.mbdba.gov>. If DBE sources are *not* located, explain why and describe the efforts made. See Step 5 for more detailed information.

For all contracts, OSCF applicants and the prime contractor must send invitations to at least three (or all, if less than three) DBE vendors for each item of work referred by sources contacted. The invitations must adequately specify the items for which bids are requested. The record of “good faith” efforts must indicate a real desire for a positive response, such as a certified mail receipt or a documented telephone conversation. **(A regular letter or an unanswered telephone call is *not* an adequate “good faith” effort)**. A list of all sub-bidders, including the bidders **not** selected and non DBE subcontractors, and bid amount for each item of work must be submitted on Form 5. If a low bid was not accepted, an explanation must be provided.

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STEP 5: DBE potential resources centers. Solicit available DBEs and DBEs whenever they are potential sources. The prime contractor must provide invitations to DBE sub-bidders at least **ten working days** prior to the bid opening date.

Federal Agencies (must be contacted):

Name and Address	Telephone and Web Site
U.S. Small Business Administration	(415) 744-6820 Extension 0
455 Market Street, Suite 600	PRO-Net Database: http://www.ccr.gov/ ¹
San Francisco, CA 94105	Bid Notification: http://web.sba.gov/subnet/ ²
RE: Minority Enterprise Development Offices	
U.S. Department of Commerce	(415) 744-3001
Minority Business Development Agency	Phoenix/ Opportunity Database:
211 Main Street, Room 1280	http://www.mbda.gov
San Francisco, CA 94105	RE: Business Development Centers
Office of the Small Business Advocate	(916)445-9874
	Email: sbrecoveryinfo@opr.ca.gov

State Agencies (optional contacts):

Name and Address	Telephone and Web Site
California Department of Transportation	Mailing Address: PO Box 942874
(CALTRANS) Business Enterprise Program ³	Sacramento, CA 94274-0015
1820 Alhambra Blvd.	(916) 227-9599
Sacramento, CA 95816	www.dot.ca.gov/hq/bep
CA Public Utilities Commission (CPUC) ⁴	
505 Van Ness Avenue	http://www.cpuc.ca.gov/static/supplierdiversity
San Francisco, CA 94102-3298	

¹ PRO-Net new database is the SBA's electronic search engine that was put on line January 1, 2004, containing business profiles for nearly 200,000 businesses. The SBA requests Internet contact only for a list of potential DBE subcontractors that can be downloaded from PRO-Net: <http://www.ccr.gov>. Downloading will verify that the prime contractor made the required contact with the SBA.

² Prime contractors use SUB-Net to post subcontracting opportunities. Small businesses can review this web site to identify opportunities in their areas of expertise. The web site is designed primarily as a place for large businesses to post solicitations and notices.

³ Based on the federal Disadvantaged Business Enterprises (DBE) program, CALTRANS maintains a database and provides directories of minority and woman-owned firms.

⁴ CPUC maintains a database of DBE-owned business enterprises and serves to inform the public.

Section 4: Non-Governmental Local Contacts

DISADVANTAGED BUSINESS ENTERPRISE (DBE) RESOURCES

The following organizations provide services to identify potential DBEs. Some of the organizations charge a fee or require membership fees to provide their services. Services provided, may include the entire Good Faith effort process for OSCF applicants that need comprehensive assistance.

Humboldt Builder's Exchange Inc.

2355 Myrtle Ave.
Eureka, CA 95501
Phone #: (707) 442-3708
FAX #: (707) 442-6051
www.humvx.com

California Daily Bid Advisor/Challenge News

1276 Lincoln Ave. #203
San Jose, CA 95125
Phone #: (408) 998-0241
or (800) 298-0240
FAX #: (408) 998-2534

California Procurement Training and Assistance Center at West Valley

1 West Campbell Ave., Ste J70
Campbell CA 95008
Phone #: (408) 871-4390
FAX #: (408) 378-2034

Contractors Assistance Center

P. O. Box 7675
Redlands, CA 92375
Phone #: (800) 742-4124
FAX #: (800) 742-4125

Eldridge Bid Reporter, M/W/DVBE Assistance

P. O. Box 699
West Sacramento, CA 95691
Phone #: (916) 444-7618
FAX #: (916) 444-7731
www.ebrbids.com

Regis Communications Construction Bid Source Interactive (CBSI)

P. O. Box 568
Burson, CA 95225-0568
Phone #: (209) 772-3670
FAX #: (800) 560-7266
www.Regis-usa.com
1-800-962-4162

Riverside Community College District

Procurement Assistance Center
2038 Iowa Ave., Ste. 100
Riverside, CA 92507
Phone #: (909) 788-2559
FAX #: (909) 788-2515
www.resources4u.com/pac

Small Business Exchange

703 Market St., Ste. 1000
San Francisco, CA 94103
Phone #: (415) 778-6250
FAX #: (415) 778-6255
www.sbeinc.com

Section 5: Reporting Requirements

All requests for services, supplies, equipment or construction solicited by the SWRCB, other governmental agencies, non-profit agencies, or private businesses are subject to the DBE requirements. **These requirements apply to the OSCF applicants, prime contractor and all subcontractors.** The only exceptions to this requirement are contracts with governmental or non-profit agencies.

For the duration of the contract, all primary and subcontractors will be required to report progress made in fulfilling the “good faith” effort in their semi-annual reports. Failure to provide this information as stipulated in the contract language will be cause for contract termination. DFA staff will provide OSCF applicant with the forms and instructions to report their “good faith” efforts with the pre-grant paperwork. The prime contractor must receive this DBE compliance guidance document from the OSCF applicant.

Once a bidder is selected, the prime contractor should compile the information required by the “good faith” effort process. **All information supporting the “good faith” effort must be submitted within ten working days after the bid opening.** OSCF applicant shall review the successful bidder’s records closely to be sure that, prior to bid opening, all required “good faith” efforts were made. Failure of either the bidder or prime contractor/subcontractor to follow the process and provide the necessary information to DFA could jeopardize the bidding process. The following situations and circumstances require actions as indicated:

1. If the apparent successful low bidder was rejected a complete explanation must be provided.
2. Each DBE firm utilized must complete and submit the **Form 3**. Contractors can no longer self-certify. Contractors must provide evidence that they have been certified. Contractors must be certified within ten days after the bid opening date.
3. If additional subcontracts become necessary after the award of the prime contract, provide Form 3 to DFA within ten working days following the award of each new subcontract.
4. Any deviation from the information provided at the time of the bid shall not result in a reduction of DBE participation without prior approval of Division of Financial Assistance Project Manager.
5. Failure of the apparent low bidder to perform the five “good faith” effort steps *prior* to bid opening and submittal of Form 4 with the bid, will result in its bid being declared non-responsive. The contract may then be awarded to the next low, responsive, responsible bidder that meets the requirements or the OSCF applicant may re-advertise the project.
6. The apparent successful low bidder must submit documentation to the OSCF applicant within ten working days following bid opening showing that, prior to the bid opening, all required “good faith” efforts were made.

NOTE: OSCF applicants must also submit DBE Utilization Report (UR 334) semi-annually.

Section 6: Definitions

A bona fide disadvantaged business enterprise (DBE) is a:

- (1) DBE that has submitted a “Disadvantaged Business Enterprise” **Form 3**, and
- (2) A firm that has been accepted as a bona fide DBE by the prime contractor/OSCF applicant.

In addition, a bona fide DBE must be an independent business concern that is at least 51% owned, controlled, and operated by minority group members (see definition of minority group member) or women. Ownership and control can be measured by:

- Contract work performance responsibility.
- Management responsibility.
- At least 51% share of profits and risk.
- Other data (such as voting rights) that may clarify ownership or control.

Control means exercising the power to make policy decisions.

Operate means being actively involved in the day-to-day management of the business.

Determination of whether a business is at least 51% owned by a woman or women shall be made without regard to community property laws. An otherwise qualified DBE which is 51% owned by a married woman in a community property state will not be disqualified because her husband has a 50% interest in her share. Similarly, a business that is 51% owned by a married man and 49% by an unmarried woman does not become a qualified DBE by virtue of the wife's 50% interest in the husband's share of the business.

A joint venture is a business enterprise formed by a combination of firms under a joint venture agreement. To qualify as a bona fide DBE, the minority-owned or women-owned and controlled firms in the joint venture must:

- Satisfy all requirements for bona fide DBE participation in their own rights.
- Share a clearly defined percentage of the ownership, management responsibilities, risks, and profits of the joint venture. Only this percentage of ownership will be credited towards the DBE goal.

A minority group member is a citizen of the United States and one of the following:

- **Native American** consists of American Indian, Eskimo, Aleut, and native Hawaiian. To qualify, the person must meet one of the following criteria:
 1. Native Americans are at least one-fourth Indian descent (as evidenced by registration with the Bureau of Indian Affairs).
 2. Characteristic Indian appearance and features.
 3. Characteristic Indian name.
 4. Recognition in the community as an Indian.
 5. Membership in a tribe, band, or group of American Indians (recognized by the Federal Government), as evidenced by a tribal enrollment number or similar indication.

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- ***African-American*** consists of individuals having origins in any of the black racial groups of Africa.
- ***Asian-Pacific American*** consists of individuals having origins in any of the original peoples of the Far East, Southeast Asia, and the Indian subcontinent. This area includes, for example, China, Japan, Korea, the Philippines, Vietnam, Samoa, Guam, U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan. The Indian subcontinent takes in the countries of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan.
- ***Hispanic American*** consists of individuals with origins from Puerto Rico, Mexico, Cuba, or South or Central America. Only those persons from Central and South American countries who are of Spanish origin, descent, or culture should be included in this category. Persons from Brazil, Guyana, Surinam or Trinidad, for example, would be classified according to their race and would not necessarily be included in the Hispanic category. In addition, this category does not include persons from Portugal, who should be classified according to race.

In cases where a firm is owned and controlled by a minority woman or women, the percentage may be credited towards DBE participation, or allocated, but may not be credited fully to both.

OSCF applicant – A recipient or individual (County, City, Special District, non-profit, etc.) applying for an OSCF grant to assess or cleanup a site.

Contractor – Refers to any OSCF applicant of funds who will participate in some phase of response work. The contractor receiving funds directly from the OSCF applicant for any response work is the prime contractor. Contractors working for the prime contractor are subcontractors.

Project Manager – Is the DFA staff responsible for managing the grant. The Project/Grant Manager is responsible for review during the assessment and/or cleanup phases.

Section 7: DBE Forms

The following forms are provided to report project DBE information. They are available in electronic form from **Pearl Cross at (916) 327-7846 or pcross@waterboards.ca.gov or Carmen Harms at (916) 341-5495 or charms@waterboards.ca.gov**. If you have any questions about completing these forms or when to turn them in, please contact XXXXX.

All Forms, where applicable, must have original signature and date.

The following table provides information on who completes each form and where the forms are to be sent:

Form#	Description	Completed By	Submit To	Forward To
1	Solicitation	OSCF applicant	DFA with Procurement	
2	Bids Received List	OSCF applicant Prime	DFA with Procurement OSCF applicant	DFA with Procurement
3 (Att A)	Contractor Certification	OSCF applicant Prime Subs	DFA OSCF applicant Prime	DFA with Procurement OSCF applicant
4 (Att B)	Selected Subcontractors	Prime (with bid) Subs (with bid)	OSCF applicant Prime	DFA with Procurement OSCF applicant
5	Summary	Prime	OSCF applicant	DFA with Procurement
6a	Positive Effort Certification	OSCF applicant	DFA with Procurement OSCF applicant	
6b		Prime		

FORM 3 (Attachment A)

**DISADVANTAGED BUSINESS ENTERPRISE
(DBE)**

CONTRACTOR CERTIFICATION

Firm Name: _____	Phone: _____
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Address: _____

Principal Service or Product: _____ Bid Amount \$ _____

PLEASE INDICATE PERCENTAGE OF OWNERSHIP

DBE _____% Ownership

Prime Contractor

Supplier of Material/Service

Subcontractor

Broker

Sole Ownership

Corporation

Partnership

Joint Venture

Certified by: _____ Title: _____

DBE Sub (ORIGINAL SIGNATURE AND DATE REQUIRED)

Name: _____ Date: _____

IMPORTANT: CONTRACTORS CAN NO LONGER SELF-CERTIFY. THEY MUST BE CERTIFIED BY EPA, SMALL BUSINESS ADMINISTRATION (SBA), DEPARTMENT OF TRANSPORTATION (DOT) OR BY STATE, LOCAL, TRIBAL OR PRIVATE ENTITIES WHOSE CERTIFICATION CRITERIA MATCH EPA'S. PROOF OF CERTIFICATION MUST BE PROVIDED. A COPY OF THE CONTRACTOR CERTIFICATION MUST BE SUBMITTED WITH THIS FORM.

THIS FORM MUST BE SUBMITTED WITHIN 10 WORKING DAYS AFTER THE BID OPENING DATE.

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FORM 4 (Attachment B)

**OSCF APPLICANT/PRIME CONTRACTOR
SELECTED DISADVANTAGED BUSINESS ENTERPRISE (DBE)**

CONTRACT OSCF APPLICANTS NAME	CONTRACT NO. OR SPECIFICATION NO.
PROJECT DESCRIPTION	PROJECT LOCATION
PRIME CONTRACTOR INFORMATION	
NAME AND ADDRESS (Include ZIP Code, Federal Employer Tax ID #)	
PHONE	AMOUNT OF CONTRACT'S
DBE INFORMATION	
<input type="checkbox"/> NONE*	
<input type="checkbox"/> DBE	NAME AND ADDRESS (Include ZIP Code.)
<input type="checkbox"/> SUBCONTRACTOR <input type="checkbox"/> JOINT VENTURE	<input type="checkbox"/> SUPPLIER/SERVICE <input type="checkbox"/> BROKER
AMOUNT OF CONTRACT \$	PHONE
WORK TO BE PERFORMED	
<input type="checkbox"/> DBE	NAME AND ADDRESS (Include ZIP Code.)
<input type="checkbox"/> SUBCONTRACTOR <input type="checkbox"/> JOINT VENTURE	<input type="checkbox"/> SUPPLIER/SERVICE <input type="checkbox"/> BROKER
AMOUNT OF CONTRACT \$	PHONE
WORK TO BE PERFORMED	
<input type="checkbox"/> DBE	NAME AND ADDRESS (Include ZIP Code.)
<input type="checkbox"/> SUBCONTRACTOR <input type="checkbox"/> JOINT VENTURE	<input type="checkbox"/> SUPPLIER/SERVICE <input type="checkbox"/> BROKER
AMOUNT OF CONTRACT \$	PHONE
WORK TO BE PERFORMED	
TOTAL DBE AMOUNT: \$ _____	
SIGNATURE OF PERSON COMPLETING FORM: _____	
TITLE: _____	PHONE: _____ DATE: _____

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***Negative reports are required. ORIGINAL SIGNATURE AND DATE REQUIRED.** Failure to complete and submit this form with the bid will cause the bid to be rejected as non-responsive. Prime contractor fills out this form and submits it to OSCF applicant.

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FORM 5

**SUMMARY OF BIDS RECEIVED FROM SUBCONTRACTORS,
SUPPLIERS, AND BROKERS (DBE & NON-DBE)**

THIS SUMMARY IS PREPARED BY THE PRIME CONTRACTOR

Type of Job	Company Name	Selected	Bid Amount	DBE	NON-DBE
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List type of jobs alphabetically, from low to high in each category and selected low bidder.

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**FORM 6a
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
POSITIVE EFFORT CERTIFICATION BY OSCF APPLICANT**

1. The apparent successful low bidder on Orphan Site Cleanup Fund Program funded project number _____ is _____
(name of bidder)

2. Before the State Water Resources Control Board - Division of Financial Assistance can consider requests for Procurement to any bidder the /OSCF applicant must certify to the following:

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

The bidder has obtained _____% of DBE participation for this contract.

Also submitted are Forms 3 and 4 that contain a complete list of those DBE firms subcontracted with or with whom other types of agreements were made. The list includes the names of the firm, address, phone number and dollar amount involved.

The following affirmative steps as required by 40 CFR 35.3150 (d) have been taken:

- (1) The contractor divided total requirements when economically feasible, into small tasks or quantities to permit maximum participation of disadvantaged business enterprise businesses.
- (2) The contractor established delivery schedules, where the requirements of the work permitted, which encouraged participation by disadvantaged business enterprise businesses.
- (3) The contractor included qualified disadvantaged business enterprise businesses on solicitation lists.
- (4) The contractor assures that disadvantaged business enterprise businesses were solicited, whenever they were potential sources.
- (5) The contractor used the services and assistance of the Small Business Administration and the Office of Minority Business Development Agency of the U.S. Department of Commerce.

It must be understood that the OSCF applicant in its role as a public trustee assumes primary responsibility to achieve an acceptable level of DBE utilization. This primary responsibility is a basic condition of the award of any Orphan Site Cleanup Fund financial assistance. Where an OSCF applicant fails to meet its obligations under these requirements the applicant/OSCF applicant may be declared non-responsive and may have funding either annulled, suspended or terminated.

In accepting these responsibilities, I hereby certify to the above.

Name of OSCF Applicant

Signature of Authorized Representative

Date

Name and Title of Authorized Representative

This form must be submitted upon awarding of contract to prime contractor.

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**FORM 6a
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
POSITIVE EFFORT CERTIFICATION BY PRIME CONTRACTOR**

1. The apparent successful low bidder on Orphan Site Cleanup Fund Program funded project number _____ is _____
(name of bidder)

2. Before the State Water Resources Control Board - Division of Financial Assistance can consider requests for Procurement to any bidder the Prime contractor must certify to the following:

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

The bidder has obtained _____% of DBE participation for this contract.

Also submitted are Forms 3 and 4 that contain a complete list of those DBE firms subcontracted with or with whom other types of agreements were made. The list includes the names of the firm, address, phone number and dollar amount involved.

The following affirmative steps as required by 40 CFR 35.3150 (d) have been taken:

- (1) The contractor divided total requirements when economically feasible, into small tasks or quantities to permit maximum participation of disadvantaged business enterprise businesses.
- (2) The contractor established delivery schedules, where the requirements of the work permitted, which encouraged participation by disadvantaged business enterprise businesses.
- (3) The contractor included qualified disadvantaged business enterprise businesses on solicitation lists.
- (4) The contractor assures that disadvantaged business enterprise businesses were solicited, whenever they were potential sources.
- (5) The contractor used the services and assistance of the Small Business Administration and the Office of Minority Business Development Agency of the U.S. Department of Commerce.

It must be understood that the prime contractor in its role as a public trustee assumes primary responsibility to achieve an acceptable level of DBE utilization. This primary responsibility is a basic condition of the award of any Orphan Site Cleanup Fund financial assistance. Where a prime contractor applicant fails to meet its obligations under these requirements the prime contractor may be declared non-responsive and may have funding either annulled, suspended or terminated.

In accepting these responsibilities, I hereby certify to the above.

Name of Prime Contractor

Signature of Authorized Representative

Date

Name and Title of Authorized Representative

This form must be submitted by prime contractor for each subcontractor.

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INSTRUCTION FOR ACCESSING <http://www.ccr.gov> DATA BASE OF DBE
SUBCONTRACTORS

1. Go to <http://www.ccr.gov>
2. Click on the bullet **Dynamic Small Business Search**
3. Under **States**, scroll down to and click on **California**
4. Scroll down to **Other Ownership Data**
5. Click on **Minority or Woman/Women**, do separate run for each classification
6. Scroll down to **Nature of Business**, across from **Keywords**, type in classification of work to be performed by the subcontractor (electrician, piping, rebar, trucking, landscape, etc.)
7. Scroll to **General Nature of Business** and click on **Construction**
8. Scroll to the bottom of the screen and click on **Search Using These Criteria**.
9. For additional contractors, scroll to **No more matches**, click on **Refine Search** and repeat the process by changing the type of contractor you are searching for in no. 6, **Keyword**