

Appendix K

Approval To Award (ATA) Request Form and Minority/Women Business Enterprise (MBE/WBE) Compliance Guidelines

Note: The recipient is required to include with the ATA Request to the Division of Financial Assistance all MBE/WBE documentation in accordance with the MBE/WBE Compliance Guidelines.

Appendix K
State Water Resources Control Board
Division of Financial Assistance
Clean Water State Revolving Fund Approval-to-Award (ATA) Request

Note: The Division of Financial Assistance (DFA) recommends (but does NOT require) that the construction contract be awarded after this ATA has been approved by DFA. The applicant should submit this form and ALL attachments as soon as possible after the bid opening. Prompt submission will provide DFA staff sufficient time to review the ATA Request. The ATA Request includes information to fulfill all State and Federal requirements.

1. Agency Name and Address	State Assigned Project No. C-06-
2. Date by which construction contract(s) must be awarded (as indicated in contract documents):	
3. Have any protests regarding award of the construction contracts been received? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give date protests were resolved: _____ Attach copies of the protests and resolutions. Contractor Debarred? <input type="checkbox"/> Yes <input type="checkbox"/> No (Debarment of Contractor prevents CWSRF funding participation)	
4. Project Cost Summary	Actual Project Costs
A. Construction Contract (specify number and contractor's name):	N/A
1.	\$
2.	\$
3.	\$
B. Eligible Total Project Cost (based on Final P&S approval)	N/A
C. Allowances:	
1. Planning	\$
2. Design	\$
3. Construction	\$
4. Administration	\$
5. Prime Engineering	\$
Was VE Performed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Value Engineering (VE)	\$
D. Allowance Subtotal	\$
E. Total Costs (Sum of 4A + 4D)	\$
5. Funds available for construction of the "Total Project":	N/A
A. Agency's Share: Is this a Local Match CWSRF financing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. Agency's General Obligation or Revenue Bonds	\$
C. Agency's Short term loans or notes	\$
D. Agency's Other Funds, Identify:	\$
E. SUBTOTAL Local funds available (5A + 5B + 5C + 5D)	\$
F. Requested CWSRF funding	\$
6. Also, attach the information requested on page 2.	
The undersigned representative of the applicant certifies that the information contained above and in attached statements and material in support thereof, are true and correct.	
Signature of Authorized Representative	Date
Name, Title, and Phone Number of Representative (type or print)	

ATA Request Instructions

6. The recipient must attach the following information to the Approval-to-Award Request:
- A. A legal description of the site on which the project is to be constructed and an opinion signed by competent title counsel describing the interest the applicant has in the site, including information as to any easements and rights-of-way and certifying that the estate or interest is legal and valid. The opinion should also include information as to whether or not:
 - 1. The applicant (or the present owner if fee simple title has not been or is not to be acquired) has good and valid title to the entire site (excluding easements and rights-of-way) free and clear of any pre-existing mortgages, deeds of trust, liens or other encumbrances, which would affect the value or usefulness of the site for the purpose intended;
 - 2. Any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the applicant have been duly recorded or filed for record whenever necessary; and
 - 3. The applicant has complied with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601).
 - B. Tabulation of all bids received and the engineer's estimate.
 - C. Copy of the bid proposal chosen.
 - D. Evidence of advertising (submit a copy of newspaper advertisement for the project).
 - E. Submit copies of the following Primary Contractor Certifications: Nondiscrimination Clause, Drug-Free Workplace, Non-Segregated Facilities and Non-Collusion Affidavit.
 - F. All MBE/WBE documentation, which includes forms 1 through 6 and documentation that the local Small Business Administration and/or Minority Business Development Agency centers were contacted fifteen working days prior to bid opening.
 - G. A dedicated source of revenue (adopted ordinance or resolution) and a Wastewater Capital Reserve Fund (WCRF) resolution or letter signed by the Authorized Representative explaining the Agency funds that are reserved to meet the WCRF requirements must be submitted to DFA before a financing agreement will be issued.
 - H. Disbursements of CWSRF funds may take up to 90 days. Some construction costs may be ineligible for CWSRF funding. Provide a cash flow projection showing the source and expected time of receipt of funds needed to meet project cash requirements.
 - I. Complete and sign the two forms establishing the Completion of Construction (CC) and Initiation of Operation (IO) dates for the project. Changes to the CC and IO dates must be submitted in writing to DFA for approval.
 - J. The Schedule of System Obligations (SSO) will be an exhibit to the CWSRF financing agreement. If not already done or the previously submitted information needs updating, please submit a SSO. The Agency's SSO will include: name of lender; title of debt, debt term, interest rate, total debt amount; remaining debt balance; and debt end date. (See attached Exhibit J). Also, please submit a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate) addressing any conditions or prohibitions in existing debt relying on the same pledged revenue source as this financing (except other CWSRF financing agreements) that would affect the ability of the Agency to enter into and meet its obligations under this CWSRF financing agreement. This letter should cite to relevant provisions in the Agency's debt documents (e.g., additional debt tests/ parity debt restrictions, etc.). Debts addressed by counsel should match those listed in the SSO. If the applicant does not have other debts (except other CWSRF debts), the Agency's Authorized Representative must provide a letter stating this. For all debts other than existing CWSRF debts, include maturity schedules and debt instruments (bond documents/indentures, loan agreements, etc.) on a CD. All information submitted will be reviewed by SWRCB legal staff for compliance with CWSRF Program requirements.

COMPLETION OF CONSTRUCTION

CLEAN WATER STATE REVOLVING FUND PROJECT NO.: C-06-

RECIPIENT: _____

PROJECT: _____

Exhibit A, Section 12 of the Clean Water State Revolving Fund Financing Agreement requires that the Agency establish a completion of construction date. The Agency hereby establishes _____ day of _____, 2____ as the completion of construction date. This date shall be binding on the Agency, unless a written request, with good cause for approving the extension request, is received by the Division of Financial Assistance (DFA) at least 90 days prior to the above completion of construction date. Extension of the completion of construction date by DFA shall not be unreasonably withheld.

Authorized Representative's Signature

Authorized Representative's Name/Title

Date

DFA Project Manager/Date

INITIATION OF OPERATION

CLEAN WATER STATE REVOLVING FUND PROJECT NO.: C-06-_____

RECIPIENT: _____

PROJECT: _____

Exhibit A, Section 15 of the Clean Water State Revolving Fund Financing Agreement requires that the Agency establish an initiation of operation date. The Agency hereby establishes _____ day of _____, 2____ as the initiation of operation date. This date shall be binding on the Agency, unless a written request, with good cause for approving the extension request, is received by the Division of Financial Assistance (DFA) at least 90 days prior to the above completion of construction date. Extension of the completion of construction date by the DFA shall not be unreasonably withheld.

Authorized Representative's Signature

Authorized Representative's Name/Title

Date

DFA Project Manager/Date

**EXHIBIT J
SCHEDULE OF SYSTEM OBLIGATIONS**

Except for the following, the Agency warrants and represents that it has no outstanding debt relying on the pledged revenue for the CWSRF obligation:

The following outstanding Local debts are senior to this CWSRF financing agreement:

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date
A								

The following debts are on parity with this CWSRF financing agreement:

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date
A								

The following debts are subordinate to this CWSRF financing agreement:

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date
A								

Note: A part of the Financing Agreement is the Schedule of System Obligations (SSO). Each attachment listed above is the corresponding repayment or maturity schedule for that obligation. The SSO is a listing of all Agency's current outstanding debts relying on the same pledged source of revenue for repayment as this CWSRF financing. (In most cases, the pledged source of revenue will be wastewater system revenues.) Also, the Agency will need to submit a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate) addressing any conditions or prohibitions in existing debt (except other CWSRF debts) that would affect the ability of the Agency to enter into and meet its obligations under the CWSRF financing agreement. This letter should cite to relevant provisions in the Agency's debt documents (e.g., additional debt tests/parity debt restrictions, etc.). Debts addressed by counsel should match those listed in the SSO. If the applicant does not have other debts (except other CWSRF debts), the Agency's Authorized Representative must provide a letter stating this. For all debts other than existing CWSRF debts, include maturity schedules and debt instruments (bond documents/indentures, loan agreements, etc.) on a CD. All information submitted will be reviewed by SWRCB legal staff for compliance with CWSRF Program requirements.

Appendix K

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/water_issues/programs/grants_loans

Compliance Guidelines for Clean Water State Revolving Fund (CWSRF)

Program

Minority Business Enterprise and Women Business Enterprise (MBE/WBE)

August 25, 2006

This document and attachments shall be included by the owner as a contract provision for all construction contracts exceeding \$10,000 if the applicant is required to conduct a Tier I CEQA analysis.

Compliance with the requirements of this document and attachments satisfies the MBE/WBE requirements of the U. S. Environmental Protection Agency and the State 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 “Minority Business Enterprise/Women Business Enterprise Information” (Form 4) with the bid shall cause the bid to be rejected as a non-responsive bid.

Clean Water State Revolving Fund Program MBE/WBE Instructions

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Section 1: APPROVAL TO AWARD (ATA) PROCESS

REQUIRED FOR CLEAN WATER STATE REVOLVING FUND FINANCING AGREEMENTS DIVISION OF FINANCIAL ASSISTANCE (DFA)

The purpose of this document is to provide a summary of the MBE/WBE “Good Faith” effort for CWSRF Financing Agreement contractors and recipients. Section 1 provides the contractor and recipient with a brief overview of the ATA process. The MBE/WBE “Good Faith” effort is one element of the ATA process summarized below. The ATA request package submitted to Division for approval must contain all of the following:

1. Completed ATA **Form 555-1** (original must be signed by the recipient’s authorized representative or designee);
2. A legal description of the site on which the project is to be constructed and an opinion signed by competent title counsel describing the interest the applicant has in the site, including information as to any easements and rights-of-way and certifying that the estate or interest is legal and valid;
3. Tabulation of all bids received and the engineer’s estimate;
4. A copy of the bid proposal chosen;
5. Evidence of advertising (submit a copy of newspaper advertisement for the project);
6. All MBE/WBE 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**);
7. A dedicated source of revenue (ordinance or resolution); and
8. Provide a cash flow projection showing the source and expected time of receipt of funds needed to meet project cash requirements.

Detailed directions for completing ATA forms 1 to 6 are provided. If you have any questions regarding the ATA process, please contact Ms. Barbara August of DFA at (916) 341-8952 or BAugust@waterboards.ca.gov.

Section 2: PRIME CONTRACTOR & RECIPIENT RESPONSIBILITIES

PARTICIPATION RESPONSIBILITIES FOR PRIMES AND THEIR SUBCONTRACTORS

All recipients 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 MBE/WBEs. This information must be documented and reported to Division as described in this document.

The MBE/WBE responsibilities of the prime contractor are:

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

The MBE/WBE responsibilities of the Agency are:

1. To ensure that the prime contractor meets the responsibilities identified in these guidelines;
2. Submit all documentation identified in these guidelines to Division and maintain all records in the project files for later access or auditing; and
3. Provide quarterly reports on MBE/WBE procurements to the Division.

Section 3: “Good Faith” Effort Process

Any public or private entity receiving federal funds must demonstrate that efforts were made to attract MBE/WBEs on any CWSRF funded projects. The process to attract MBE/WBEs is referred to as the “Good Faith” effort. This effort requires the recipient, prime contractor and any subcontractors to take the steps listed below to assure that MBE/WBEs 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/Recipient Selected MBE/WBEs, 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 Agency**. 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 ATA 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. paving, electrical, landscaping, revegetation).

STEP 2: Establish delivery schedules, when work requirements permit, that encourage maximum MBE/WBE 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 MBE/WBEs. Utilization of these resources is required at no cost. These agencies offer several services, including Internet access to databases of MBE/WBEs. SBA’s database is (<http://www.ccr.gov/>). (See page 18 for instructions to access the database).

Clean Water State Revolving Fund Program MBE/WBE Instructions

For additional assistance, the recipient 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 prime contractor 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 MBE/WBE subcontractors 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 MBE/WBEs 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 MBE/WBEs: <http://www.sba.gov>, <http://www.ccr.gov>) or <http://www.mbda.gov>. If MBE/WBE sources are *not* located, explain why and describe the efforts made. See Step 5 for more detailed information.

For all contracts, the prime contractor must send invitations to at least three (or all, if less than three) MBE/WBE 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 MBE/WBE subcontractors, and bid amount for each item of work must be submitted on Form 5. A sample list is shown in Form 5, Sample Summary of Bids Received from Subcontractors on page 16. If a low bid was not accepted, an explanation must be provided.

Clean Water State Revolving Fund Program MBE/WBE Instructions

STEP 5: MBE/WBE potential resources centers are listed in the following table. Solicit available MBEs and WBEs whenever they are potential sources. The prime contractor must provide invitations to MBE/WBE 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

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 MBE/WBE 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 MBE/WBE-owned business enterprises and serves to inform the public.

Section 4: Non-Governmental Local Contacts

MINORITY BUSINESS ENTERPRISE/WOMAN BUSINESS ENTERPRISE (MBE/WBE) RESOURCES

The following organizations provide services to identify potential MBE/WBEs. 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 recipients 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 MBE/WBE requirements. **These requirements apply to the 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 quarterly reports. Failure to provide this information as stipulated in the contract language will be cause for contract termination. Division staff will provide recipients with the forms and instructions to report their “good faith” efforts when the ATA and contract is issued.

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.** Recipient 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 Division 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 MBE/WBE firm utilized must complete and submit the **Form 3**, Contractor Self-Certification 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 Division 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 MBE/WBE participation without prior approval of the Division 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 recipient may re-advertise the project.
6. The apparent successful low bidder must submit documentation to the recipient within ten working days following bid opening showing that, prior to the bid opening, all required “good faith” efforts were made.

Section 6: Definitions

A bona fide minority or women-owned business enterprise (MBE/WBE) is a:

- (1) MBE or WBE that has submitted a “Minority or Women-Owned Business Enterprise Contractor Self-Certification” **Form 3**, and
- (2) A firm that has been accepted as a bona fide MBE or WBE by the prime contractor/recipient. In addition, a bona fide MBE/WBE 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:

Clean Water State Revolving Fund Program MBE/WBE Instructions

- 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 WBE 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 WBE 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 MBE/WBE, the minority-owned or women-owned and controlled firms in the joint venture must:

- Satisfy all requirements for bona fide MBE/WBE 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 MBE/WBE 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.
- **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.

Clean Water State Revolving Fund Program MBE/WBE Instructions

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

Recipient – An agency (County, City, Special District, etc.) applying for a CWSRF loan to construct a project.

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

Project Manager – Is the Division staff responsible for managing the project. The Project/Contract Manager is responsible for review during the planning, design and construction contract development phases.

Section 7: MBE/WBE Forms

The following forms are provided to report project MBE/WBE information. They are available in electronic form from Barbara August at (916) 341-6952 or baugust@waterboards.ca.gov. If you have any questions about completing these forms please contact Ms. August.

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	Prime	Recipient	DFA with ATA
2	Bids Received List	Prime	Recipient	Division with ATA
3 (Att A)	Self-Certification	MBE/WBE Subs	Prime	Recipient, Division w/ATA
4 (Att B)	Selected Subcontractors	Prime (with bid)	Recipient	Division with ATA
5 and 5A	Summary & Sample	Prime	Recipient	Division with ATA
6	“Good Faith” Effort Certification	Recipient	Division w/ATA	

FORM 1

**MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (MBE/WBE)
“GOOD FAITH” EFFORT LIST OF SUBCONTRACTORS SOLICITED**

Contractor Name	Contractor Address	Category (MBE or WBE)	How Located	Date of Contact	Contact Method	Task Description	Response (Yes/No)

Form for information required to be submitted with the ATA package

FORM 2

MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (MBE/WBE)
“GOOD FAITH” EFFORT BIDS RECEIVED LIST

Table with 6 columns: Contractor Name, Category (MBE or WBE), Task Description, Bid Amount, Selected (Check), Explanation for Not Selecting. The table contains 20 empty rows for data entry.

Form for information required to be submitted with the ATA package.

|

FORM 3 (Attachment A)
MINORITY- OR WOMEN-OWNED BUSINESS ENTERPRISE
(MBE/WBE)

CONTRACTOR SELF CERTIFICATION

Firm Name: _____ Phone: _____

Address: _____

Principal Service or Product: _____ Bid Amount \$ _____

PLEASE INDICATE PERCENTAGE OF OWNERSHIP

MBE _____% Ownership

WBE _____% Ownership

Prime Contractor

Supplier of Material/Service

Subcontractor

Broker

Sole Ownership

Corporation

Partnership

Joint Venture

I hereby certify that this firm is a Minority or Women Business Enterprise as defined in Public Contract Code, Section 10115.1. In making this certification, I am aware of Sections 12650 et seq. of the Government Code, providing for the imposition of treble damages for making false claims against the State and Section 10115.10 of the Public Contract Code, making it a crime to intentionally make an untrue statement in this certificate.

Certified by: _____ Title: _____

MBE/WBE Sub _____ (ORIGINAL SIGNATURE AND DATE REQUIRED)

Name: _____ Date: _____

Additional proof may be required upon written challenge of this certification by any person or agency. Falsification of this certification by a firm selected to perform federally funded work may result in a determination that the firm is non-responsive and ineligible for future contracts.

This form must be submitted within 10 working days after the bid opening date.

Clean Water State Revolving Fund Program MBE/WBE Instructions

FORM 4 (Attachment B)

PRIME CONTRACTOR/RECIPIENT

SELECTED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (MBE/WBEs)

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

***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.**

FORM 5

SUMMARY OF BIDS RECEIVED FROM SUBCONTRACTORS, SUPPLIERS, AND BROKERS (MBE/WBE & NON-MBE/WBE)						
THIS SUMMARY IS PREPARED BY THE PRIME CONTRACTOR						
Type of Job	Company Name	Selected	Bid Amount	MBE	WBE	NON

List type of jobs alphabetically, from low to high in each category and selected low bidder. All other types of bidders such as DBE, SWBE SMBE, and Non MBE/WBE should be shown in the "Non" column.

FORM 5 (SAMPLE)

SUMMARY OF BIDS RECEIVED FROM SUBCONTRACTORS, SUPPLIERS, AND BROKERS (MBE/WBE & NON-MBE/WBE)						
THIS SUMMARY IS PREPARED BY THE PRIME CONTRACTOR						
Type of Job	Company Name	Selected	Bid Amount	MBE	WBE	NON
Asphalt	Gillerti & Sons	X	\$123,750	X		
	Americash		\$131,850			X
	Caltex		\$176,775			X
Bore & Jack	State Boring	X	\$208,870			X
	Jack Bore		\$208,870			X
	Alotta Boring		\$227,472	X		
Electrical	Square Fasteners, Inc		\$20,190	X		
	REM Sleep Co	X*	\$24,189		X	
	Tram Electic		\$30,120			X
Masonry	Welch, Inc.	X	\$20,383		X	
	Cheatum		\$36,000	X		
Pipe (Supplier)	Cal-Pipe Co.	X	\$203,200	X		
	Norcal Pipe Co.		\$260,00			X
Striping	Orange Peel	X	\$8,597			X
	Crispy Boys Co.		\$9,370			X
	Sweat Co.		\$11,785	X		

*REM Sleep Co. selected over Square Fasteners, Inc. due to incomplete bid by Square Fasteners.

List type of jobs alphabetically, from low to high in each category and selected low bidder. All other types of bidders such as DBE, SWBE SDBE, and Non MBE/WBE should be shown in the "Non" column.

Sample Form for information required to be submitted with the ATA package.

FORM 6
MINORITY BUSINESS ENTERPRISE/WOMEN BUSINESS ENTERPRISE (MBE/WBE)
“GOOD FAITH” EFFORT CERTIFICATION BY APPLICANT/RECIPIENT

1. The apparent successful low bidder on Clean Water Program funded project number C-06-_____ is _____ (name of bidder)
2. Before the State Water Resources Control Board - Division of Financial Assistance can consider requests for an Approval To Award (ATA) to any bidder the applicant/recipient must certify to the following:

MINORITY BUSINESS ENTERPRISE (MBE)

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

WOMEN BUSINESS ENTERPRISE (WBE)

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

Also submitted are Forms 3 and 4 that contain a complete list of those MBE and WBE 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 minority and women’s businesses.
- (2) The contractor established delivery schedules, where the requirements of the work permitted, which encouraged participation by minority and women’s business.
- (3) The contractor included qualified minority and women’s businesses on solicitation lists.
- (4) The contractor assures that minority and women’s 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 applicant/recipient in its role as a public trustee assumes primary responsibility to achieve an acceptable level of MBE/WBE utilization. This primary responsibility is a basic condition of the award of any Clean Water State Revolving Fund financial assistance. Where an application/recipient fails to meet its obligations under these requirements the applicant/recipient may be declared nonresponsible and may have funding either annulled, suspended or terminated.

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

Name of Applicant/Recipient

Signature of Authorized Representative

Date

Name and Title of Authorized Representative

This form must be submitted with the ATA package.

INSTRUCTION FOR ACCESSING <http://www.ccr.gov> DATA BASE OF MBE/WBE 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**

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