

**PENNSYLVANIA GAME COMMISSION**

**SGL #211  
RAILROAD GRADE ROAD PROJECT  
PHASE 2**

Southeast Region  
Cold Spring Township, Lebanon County

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**PROJECT SPECIFICATIONS**

The Contractor shall comply with the *Contract Terms and Conditions* provided with the Bid Documents including but not limited to the following:

**INSURANCE REQUIREMENTS** – In accordance with the *Contract Terms and Conditions*, the Contractor is required to have in place during the term of the Contract and any renewals or extensions thereof, the following types of insurance, issued by companies acceptable to the Commonwealth and authorized to conduct such business under the laws of the Commonwealth of Pennsylvania:

- A. **Worker's Compensation Insurance** for all of the Contractor's employees and those of any subcontractor, engaged in Work at the site of the project as required by law.
  
- B. **Public Liability and Property Damage Insurance** to protect the Commonwealth, the Contractor, and any and all subcontractors from claims for damages for personal injury (including bodily injury), sickness or disease, accidental death and damage to property including the loss of use resulting from any property damage, which may arise from the activities performed under the Contract or the failure to perform under the Contract, whether such performance or non-performance be by the Contractor, by any subcontractor, or by anyone directly or indirectly employed by either. **The minimum amounts of coverage shall be \$250,000 per person and \$1,000,000 per occurrence for bodily injury, including death, and \$250,000 per person and \$1,000,000 per occurrence for property damage.** Such policies shall be occurrence rather than claims-made policies and shall not contain any endorsements or any other form designated to limit and restrict any action by the Commonwealth, as an additional insured, against the insurance coverage in regard to Work performed for the Commonwealth.

Prior to commencement of the Work under the Contract and at each insurance renewal date during the term of the Contract, the Contractor shall provide the Commonwealth with current certificates of insurance. **These certificates or policies shall name the Commonwealth AND Pennsylvania Game Commission as additional insured and shall contain a provision that the coverage's afforded under the policies will not be cancelled or changed until at least thirty (30) days written notice has been given to the Commonwealth.**

**COMPLIANCE WITH LAW** – The Contractor shall comply with all applicable federal and state laws and regulations and local ordinances in the performance of the Contract.

**WORKMANSHIP** - All Work shall be performed in a Workmanlike manner and all materials and labor shall be in strict and entire conformity with the Drawings and Specifications.

**INSPECTION AND CHANGES** - All Work is subject to inspection and acceptance by the Pennsylvania Game Commission. Any Work rejected as defective or unsuitable shall be

removed and replaced with suitable Work and materials at the sole cost of the Contractor to the complete satisfaction of the Game Commission.

Changes shall be in accordance with the *Contract Terms and Conditions*.

**TEMPORARY SERVICES AND JOB CONDITIONS** - The Contractor shall be responsible for providing any and all temporary facilities necessary to execute and protect the Work. The Contractor shall accept all conditions as found upon examination of the site and shall coordinate, plan, and execute the Work accordingly. The Contractor shall cooperate in the arrangements of the Work as necessary to least affect the administration or operations of existing buildings, facilities, and infrastructure. The Contractor shall keep the Work site clean at all times.

**PREVAILING WAGE** – Prevailing minimum wages apply to this project. See *Contract Terms and Conditions* and attached Prevailing Wage Determination.

The Contractor and each Subcontractor shall file a statement each week and a final statement at the conclusion of the Work on the contract with the contracting agency, under oath, and in form satisfactory to the Secretary, certifying that workmen have been paid wages in strict conformity with the provisions of the contract as prescribed by this section or if wages remain unpaid to set forth the amount of wages due and owing to each workman respectively. The PA Labor and Industry “Weekly Payroll Certification for Public Works Projects” form shall be used. The initial and final Payroll Certifications shall be notarized.

**PAYMENT TERMS** - A schedule of values is provided with the bid. Payment will be made on a monthly basis upon satisfactory completion of items listed on the Schedule of Values and in accordance with the *Contract Terms and Conditions*.

All payments due to the Contractor shall be processed after all Work has been inspected and approved by an agent of the Pennsylvania Game Commission. Payment will not be made for Work that is not progressing satisfactorily or for unsuitable or defective Work.

Payments may be withheld for failure to provide required documentation for the project including but not limited to required submittals / shop drawings and weekly submission of Certified Payrolls.

**INVOICING** – All Project invoices shall be submitted directly to:

Foster Schaffer, Engineering Consultant  
Pennsylvania Game Commission  
2001 Elmerton Avenue  
Harrisburg, PA 17110  
Office: 717-787-4250, ext. 73322  
Email: [c-fschaffe@pa.gov](mailto:c-fschaffe@pa.gov)

All invoices must be submitted in black and white with no color and shaded areas. Invoices must include the Purchase Order Number, Contractor’s SAP Vendor Number, and the Contractor’s

name and address as listed on the Purchase Order. Payment items on invoices shall match the items on the Purchase Order. Failure to submit invoices that meet these requirements will result in a delay of payment.

**Please Note:** Vendors are reminded to **NOT** include employer identification numbers, Social Security Numbers, bank account information, or other personally identifiable information on their invoices. That information is uniquely tied to your SAP Vendor Number and, for security purposes, should not be explicitly stated on an invoice.

**CONTRACT TERM** - The Contract shall commence upon delivery of Purchase Order to Contractor (estimated to be March 13, 2023) and shall terminate on **June 30, 2023**. Contract time is of the essence of the Project. All Work must be completed and accepted by this date.

**EXCISE TAXES, PENNSYLVANIA SALES TAX** - The Commonwealth is exempt from all Excise Taxes. See *Contract Terms and Conditions*.

**OFFSET PROVISION** - The Contractor agrees that the Commonwealth may set off the amount of any state liability or other debt of the Contractor or its subsidiaries that is owed to the Commonwealth and not being contested on appeal against any payments due the Contractor under this or any other contract with the Commonwealth.

**PERFORMANCE SECURITY / CONTRACT BONDS** – Within 10 days after award of the purchase order, the Bidder to whom the Contract is awarded, shall provide **Contract Performance Security** and a **Payment Bond** in a form acceptable to the Commonwealth for the amounts listed below and in accordance with the *Contract Terms and Conditions*.

A **Performance Bond** at one hundred percent (100%) of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract.

A **Payment Bond** in an amount equal to one hundred percent (100%) of the contract amount.

Performance and Payment Bonds shall be executed by a surety company authorized to do business in the Commonwealth and listed on the current U.S. Dept. of Treasury, Bureau of Fiscal Service, Department Circular 570 (<https://fiscal.treasury.gov/surety-bonds/list-certified-companies.html>). Bonds shall include a current Power of Attorney dated the same as the date of the bond. Bonds shall be made payable to the Commonwealth.

**GUARANTY / WARRANTY** – See *Contract Terms and Conditions* – all items are warranted for a period of one year following delivery by the Contractor and acceptance by the Commonwealth.

**HOLD HARMLESS PROVISION** - See *Contract Terms and Conditions* - The Contractor shall hold the Commonwealth harmless from and indemnify the Commonwealth against any and all third party claims, demands and actions based upon or arising out of any activities performed by the Contractor and its employees and agents under this Contract, provided the Commonwealth gives Contractor prompt notice of any such claim of which it learns.

**ADDITIONAL PROVISIONS -**

Contractor shall comply with the conditions listed below in accordance with the *Contract Terms and Conditions*:

1. **Steel Products Procurement Act**
2. **Prohibition Against the Use of Certain Steel and Aluminum Products (Trade Practices Act)**
3. **Reciprocal Limitations Act** - The form GSPUR89 (*Reciprocal Limitations Act Requirements*) is attached. The Contractor shall complete the applicable portions of pages 3 and 4 of the form and submit the completed pages within two days after the bid opening.
4. **Worker Protection and Investment Certification Form** - The BOP-2201 form is attached. The Contractor shall complete the certification on the bottom of the form and submit it within two days after the bid opening.
5. **Small Diverse Business (SDB) and Veteran Business Enterprise (VBE) Participation Submittals and Utilization Schedules** – The Contractor shall complete the SDB-2, SDB-3, VBE-2 and VBE-3 forms and submit them within two days of the bid opening.

DGS-Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) has set the following goal recommendations for this project:

**SDB = 5%**

**VBE = 3%**

BDISBO has scheduled a Pre-Proposal Conference/Information Session to educate potential vendors on the new goal setting process and forms. This virtual conference will be conducted by BDISBO's trainer, Audrey Smith. The conference is scheduled for Wednesday, February 11th at 9:00AM. To join the conference – use the links and/or information listed below. To join the conference using Microsoft Teams; the meeting ID is 250 761 445 450 and the passcode is cjFgHT. To join via phone (audio only), dial 1-267-332-8737 with phone conference ID 259 953 532#.

**NOTE: Failure to submit the GSPUR89, BOP-2201, SDB-2, SDB-3, VBE-2 and VBE-3 forms within two days of the bid opening will result in rejection of the bid. Note these forms do not have to be returned with the bid itself in the electronic bidding system.**

- **Supplies\_Services\_SDB\_Participation Form**
  - **Supplies\_Services\_VBE\_Participation Form**
- Hard copy versions of the SDB-2, SDB-3, VBE-2 and VBE-3 forms are included in the specifications for reference.

**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

Project Name:	State Game Lands #211 Railroad Grade Road, Phase 2
Awarding Agency:	PA Game Commission
Contract Award Date:	1/18/2023
Serial Number:	22-08931
Project Classification:	Highway
Determination Date:	11/30/2022
Assigned Field Office:	Harrisburg
Field Office Phone Number:	(717)787-4763
Toll Free Phone Number:	(800)932-0665
Project County:	Lebanon County

**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

Project: 22-08931 - Building	Effective Date	Expiration Date	Hourly Rate	Fringe Benefits	Total
Asbestos & Insulation Workers	6/28/2021		\$35.80	\$28.26	\$64.06
Asbestos & Insulation Workers	7/27/2022		\$35.80	\$30.01	\$65.81
Asbestos & Insulation Workers	6/26/2023		\$35.80	\$32.01	\$67.81
Asbestos & Insulation Workers	7/1/2024		\$35.80	\$34.06	\$69.86
Boilermaker (Commercial, Institutional, and Minor Repair Work)	1/1/2019		\$29.26	\$18.48	\$47.74
Boilermakers	1/1/2021		\$49.32	\$34.90	\$84.22
Boilermakers	1/1/2022		\$50.17	\$35.30	\$85.47
Bricklayer (Pointer, Cleaner, Caulker, Cement Mason, Plasterer, Tile Setter)	5/1/2022		\$36.37	\$18.18	\$54.55
Bricklayers, Stone Masons, Pointers, Caulkers, Cleaners	5/1/2021		\$34.62	\$17.78	\$52.40
Bricklayers, Stone Masons, Pointers, Caulkers, Cleaners	5/1/2022		\$36.37	\$18.18	\$54.55
Bricklayers, Stone Masons, Pointers, Caulkers, Cleaners	4/30/2023		\$38.27	\$18.18	\$56.45
Bricklayers, Stone Masons, Pointers, Caulkers, Cleaners	4/28/2024		\$40.12	\$18.18	\$58.30
Bricklayers, Stone Masons, Pointers, Caulkers, Cleaners	5/4/2025		\$41.97	\$18.18	\$60.15
Carpenters, Drywall Hangers, Framers, Instrument Men, Lathers, Soft Floor Layers	6/1/2021		\$31.77	\$17.41	\$49.18
Carpenters, Drywall Hangers, Framers, Instrument Men, Lathers, Soft Floor Layers	6/1/2022		\$33.56	\$17.72	\$51.28
Carpenters, Drywall Hangers, Framers, Instrument Men, Lathers, Soft Floor Layers	6/1/2023		\$35.06	\$17.72	\$52.78
Carpenters, Drywall Hangers, Framers, Instrument Men, Lathers, Soft Floor Layers	6/1/2024		\$36.56	\$17.72	\$54.28
Cement Finishers & Plasterers	5/2/2021		\$27.25	\$20.25	\$47.50
Cement Finishers & Plasterers	5/1/2022		\$29.38	\$20.98	\$50.36
Cement Masons	5/1/2021		\$30.70	\$22.85	\$53.55
Drywall Finisher	5/1/2021		\$29.65	\$20.74	\$50.39
Drywall Finisher	5/1/2022		\$29.81	\$21.43	\$51.24
Electricians	6/1/2021		\$33.50	\$25.94	\$59.44
Electricians	6/1/2022		\$35.25	\$26.31	\$61.56
Electricians	6/1/2023		\$35.25	\$28.41	\$63.66
Electricians	6/1/2024		\$35.25	\$30.51	\$65.76
Electricians	6/1/2025		\$35.25	\$32.50	\$67.75
Electricians	6/1/2026		\$35.25	\$34.43	\$69.68
Elevator Constructor	1/1/2021		\$49.95	\$40.35	\$90.30
Elevator Constructor	1/1/2022		\$51.66	\$37.48	\$89.14
Elevator Constructor	1/1/2023		\$53.93	\$38.34	\$92.27
Glazier	5/1/2021		\$25.63	\$13.45	\$39.08
Iron Workers (Bridge, Structural Steel, Ornamental, Precast, Reinforcing)	7/1/2021		\$34.01	\$31.13	\$65.14
Laborers (Class 01 - See notes)	5/1/2021		\$25.77	\$16.25	\$42.02
Laborers (Class 01 - See notes)	5/1/2022		\$26.87	\$16.26	\$43.13
Laborers (Class 02 - See notes)	5/1/2021		\$27.77	\$16.27	\$44.04

**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

Project: 22-08931 - Building	Effective Date	Expiration Date	Hourly Rate	Fringe Benefits	Total
Laborers (Class 02 - See notes)	5/1/2022		\$28.87	\$16.28	\$45.15
Laborers (Class 03 - See notes)	5/2/2021		\$26.69	\$16.28	\$42.97
Laborers (Class 03 - See notes)	5/1/2022		\$27.64	\$16.28	\$43.92
Laborers (Class 03 - See notes)	4/30/2023		\$28.24	\$16.59	\$44.83
Laborers (Class 04 - See notes)	5/2/2021		\$28.19	\$16.28	\$44.47
Laborers (Class 04 - See notes)	5/1/2022		\$29.14	\$16.28	\$45.42
Laborers (Class 04 - See notes)	4/30/2023		\$29.74	\$16.59	\$46.33
Laborers (Class 05 - See notes)	5/2/2021		\$28.69	\$16.28	\$44.97
Laborers (Class 05 - See notes)	5/1/2022		\$29.64	\$16.28	\$45.92
Laborers (Class 05 - See notes)	4/30/2023		\$30.24	\$16.59	\$46.83
Laborers (Class 06 - See notes)	5/1/2021		\$27.77	\$16.27	\$44.04
Laborers (Class 06 - See notes)	5/1/2022		\$28.87	\$16.28	\$45.15
Marble Mason	5/1/2021		\$31.55	\$17.34	\$48.89
Marble Mason	5/1/2022		\$32.85	\$17.74	\$50.59
Marble Mason	5/1/2023		\$34.80	\$17.74	\$52.54
Marble Mason	5/1/2024		\$36.75	\$17.74	\$54.49
Marble Mason	5/1/2025		\$38.70	\$17.74	\$56.44
Millwright	5/1/2020		\$36.04	\$19.31	\$55.35
Operators (Building, Class 01 - See Notes)	5/1/2021		\$39.87	\$27.94	\$67.81
Operators (Building, Class 01 - See Notes)	5/1/2022		\$41.41	\$28.40	\$69.81
Operators (Building, Class 01A - See Notes)	5/1/2021		\$42.12	\$28.60	\$70.72
Operators (Building, Class 01A - See Notes)	5/1/2022		\$43.66	\$29.06	\$72.72
Operators (Building, Class 02 - See Notes)	5/1/2021		\$39.59	\$27.85	\$67.44
Operators (Building, Class 02 - See Notes)	5/1/2022		\$41.13	\$28.31	\$69.44
Operators (Building, Class 02A - See Notes)	5/1/2021		\$41.84	\$28.52	\$70.36
Operators (Building, Class 02A - See Notes)	5/1/2022		\$43.38	\$28.98	\$72.36
Operators (Building, Class 03 - See Notes)	5/1/2021		\$36.87	\$27.04	\$63.91
Operators (Building, Class 03 - See Notes)	5/1/2022		\$38.41	\$27.50	\$65.91
Operators (Building, Class 04 - See Notes)	5/1/2021		\$35.72	\$26.72	\$62.44
Operators (Building, Class 04 - See Notes)	5/1/2022		\$37.27	\$27.17	\$64.44
Operators (Building, Class 05 - See Notes)	5/1/2021		\$35.27	\$26.59	\$61.86
Operators (Building, Class 05 - See Notes)	5/1/2022		\$36.82	\$27.04	\$63.86
Operators (Building, Class 06 - See Notes)	5/1/2021		\$34.40	\$26.32	\$60.72
Operators (Building, Class 06 - See Notes)	5/1/2022		\$35.95	\$26.77	\$62.72
Operators (Building, Class 07A- See Notes)	5/1/2021		\$48.31	\$31.86	\$80.17
Operators (Building, Class 07A- See Notes)	5/1/2022		\$50.17	\$32.40	\$82.57
Operators (Building, Class 07B- See Notes)	5/1/2021		\$47.96	\$31.77	\$79.73
Operators (Building, Class 07B- See Notes)	5/1/2022		\$49.81	\$32.31	\$82.12
Painters Class 1 (see notes)	5/1/2021		\$25.84	\$16.50	\$42.34
Painters Class 1 (see notes)	5/1/2022		\$26.42	\$17.03	\$43.45
Painters Class 2 (see notes)	5/1/2020		\$27.43	\$15.99	\$43.42
Painters Class 3 (see notes)	5/1/2020		\$33.18	\$15.99	\$49.17
Pile Driver Divers (Building, Heavy, Highway)	1/1/2021		\$54.75	\$20.10	\$74.85
Pile Driver Divers (Building, Heavy, Highway)	1/1/2022		\$56.40	\$20.50	\$76.90



**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

Project: 22-08931 - Building	Effective Date	Expiration Date	Hourly Rate	Fringe Benefits	Total
Piledrivers	1/1/2021		\$36.50	\$20.10	\$56.60
Piledrivers	1/1/2022		\$37.60	\$20.50	\$58.10
Plasterers	5/1/2021		\$28.33	\$20.98	\$49.31
Plumber/Pipefitter	5/1/2021		\$38.77	\$28.46	\$67.23
Plumber/Pipefitter	5/1/2022		\$40.28	\$28.70	\$68.98
Roofers (Composition)	5/1/2021		\$40.33	\$33.12	\$73.45
Roofers (Composition)	5/1/2022		\$41.48	\$33.87	\$75.35
Roofers (Shingle)	5/1/2020		\$29.50	\$21.25	\$50.75
Roofers (Slate & Tile)	5/1/2020		\$32.50	\$21.25	\$53.75
Sheet Metal Workers	6/1/2021		\$36.08	\$42.65	\$78.73
Sheet Metal Workers	6/1/2022		\$40.22	\$41.01	\$81.23
Sign Makers and Hangars	7/17/2021		\$29.49	\$23.90	\$53.39
Sign Makers and Hangars	7/15/2022		\$30.54	\$24.35	\$54.89
Sprinklerfitters	4/1/2021		\$40.33	\$26.94	\$67.27
Sprinklerfitters	4/1/2022		\$42.29	\$27.48	\$69.77
Steamfitters	5/1/2021		\$53.08	\$38.87	\$91.95
Steamfitters	5/1/2022		\$54.83	\$40.42	\$95.25
Terrazzo Finisher	5/1/2021		\$33.23	\$19.03	\$52.26
Terrazzo Finisher	5/1/2022		\$34.46	\$19.24	\$53.70
Terrazzo Finisher	5/1/2023		\$35.79	\$19.25	\$55.04
Terrazzo Finisher	5/1/2024		\$37.16	\$19.26	\$56.42
Terrazzo Grinder	5/1/2021		\$33.94	\$19.03	\$52.97
Terrazzo Grinder	5/1/2022		\$35.19	\$19.24	\$54.43
Terrazzo Grinder	5/1/2023		\$36.54	\$19.25	\$55.79
Terrazzo Grinder	5/1/2024		\$37.92	\$19.26	\$57.18
Terrazzo Mechanics	5/1/2021		\$33.83	\$20.78	\$54.61
Terrazzo Mechanics	5/1/2022		\$35.12	\$20.99	\$56.11
Terrazzo Mechanics	5/1/2023		\$36.51	\$21.00	\$57.51
Terrazzo Mechanics	5/1/2024		\$37.94	\$21.01	\$58.95
Terrazzo Setter	5/1/2019		\$31.81	\$19.67	\$51.48
Tile & Marble Finisher	5/1/2021		\$29.61	\$15.14	\$44.75
Tile & Marble Finisher	5/1/2022		\$30.96	\$15.49	\$46.45
Tile & Marble Finisher	5/1/2023		\$32.91	\$15.49	\$48.40
Tile & Marble Finisher	5/1/2024		\$34.86	\$15.49	\$50.35
Tile & Marble Finisher	5/1/2025		\$36.81	\$15.49	\$52.30
Tile Setter	5/1/2021		\$31.55	\$17.34	\$48.89
Tile Setter	5/1/2022		\$32.85	\$17.74	\$50.59
Tile Setter	5/1/2023		\$34.80	\$17.74	\$52.54
Tile Setter	5/1/2024		\$36.75	\$17.74	\$54.49
Tile Setter	5/1/2025		\$38.70	\$17.74	\$56.44
Truckdriver class 1(see notes)	5/1/2021		\$37.72	\$0.00	\$37.72
Truckdriver class 2 (see notes)	5/1/2021		\$37.79	\$0.00	\$37.79
Truckdriver class 3 (see notes)	5/1/2021		\$38.28	\$0.00	\$38.28
Window Film / Tint Installer	6/1/2019		\$24.52	\$12.08	\$36.60

**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

Project: 22-08931 - Heavy/Highway	Effective Date	Expiration Date	Hourly Rate	Fringe Benefits	Total
Carpenter	5/1/2021		\$33.12	\$17.74	\$50.86
Carpenter	5/1/2022		\$34.02	\$18.39	\$52.41
Cement Finishers	1/1/2017		\$27.70	\$20.20	\$47.90
Electric Lineman	5/31/2021		\$49.22	\$27.36	\$76.58
Electric Lineman	5/30/2022		\$50.28	\$28.47	\$78.75
Electric Lineman	5/29/2023		\$51.40	\$29.62	\$81.02
Electric Lineman	6/3/2024		\$52.80	\$30.61	\$83.41
Iron Workers (Bridge, Structural Steel, Ornamental, Precast, Reinforcing)	7/1/2021		\$34.01	\$31.13	\$65.14
Laborers (Class 01 - See notes)	5/1/2021		\$23.21	\$18.09	\$41.30
Laborers (Class 01 - See notes)	5/1/2022		\$24.01	\$18.54	\$42.55
Laborers (Class 01 - See notes)	5/1/2023		\$24.81	\$18.99	\$43.80
Laborers (Class 01 - See notes)	5/1/2024		\$25.61	\$19.49	\$45.10
Laborers (Class 02 - See notes)	5/1/2021		\$29.83	\$18.09	\$47.92
Laborers (Class 02 - See notes)	5/1/2022		\$30.63	\$18.54	\$49.17
Laborers (Class 02 - See notes)	5/1/2023		\$31.43	\$18.99	\$50.42
Laborers (Class 02 - See notes)	5/1/2024		\$32.23	\$19.49	\$51.72
Laborers (Class 03 - See notes)	5/1/2021		\$26.82	\$18.09	\$44.91
Laborers (Class 03 - See notes)	5/1/2022		\$27.62	\$18.54	\$46.16
Laborers (Class 03 - See notes)	5/1/2023		\$28.42	\$18.99	\$47.41
Laborers (Class 03 - See notes)	5/1/2024		\$29.22	\$19.49	\$48.71
Laborers (Class 04 - See notes)	5/1/2021		\$27.17	\$18.09	\$45.26
Laborers (Class 04 - See notes)	5/1/2022		\$27.97	\$18.54	\$46.51
Laborers (Class 04 - See notes)	5/1/2023		\$28.77	\$18.99	\$47.76
Laborers (Class 04 - See notes)	5/1/2024		\$29.57	\$19.49	\$49.06
Laborers (Class 05 - See notes)	5/1/2021		\$27.84	\$18.09	\$45.93
Laborers (Class 05 - See notes)	5/1/2022		\$28.64	\$18.54	\$47.18
Laborers (Class 05 - See notes)	5/1/2023		\$29.44	\$18.99	\$48.43
Laborers (Class 05 - See notes)	5/1/2024		\$30.24	\$19.49	\$49.73
Laborers (Class 06 - See notes)	5/1/2021		\$27.26	\$18.09	\$45.35
Laborers (Class 06 - See notes)	5/1/2022		\$28.06	\$18.54	\$46.60
Laborers (Class 06 - See notes)	5/1/2023		\$28.86	\$18.99	\$47.85
Laborers (Class 06 - See notes)	5/1/2024		\$29.66	\$19.49	\$49.15
Laborers (Class 07 - See notes)	5/1/2021		\$27.55	\$18.09	\$45.64
Laborers (Class 07 - See notes)	5/1/2022		\$28.35	\$18.54	\$46.89
Laborers (Class 07 - See notes)	5/1/2023		\$29.15	\$18.99	\$48.14
Laborers (Class 07 - See notes)	5/1/2024		\$29.95	\$19.49	\$49.44
Laborers (Class 08 - See notes)	5/1/2021		\$28.03	\$18.09	\$46.12
Laborers (Class 08 - See notes)	5/1/2022		\$28.83	\$18.54	\$47.37
Laborers (Class 08 - See notes)	5/1/2023		\$29.63	\$18.99	\$48.62
Laborers (Class 08 - See notes)	5/1/2024		\$30.43	\$19.49	\$49.92
Operators (Heavy, Class 01 - See Notes)	5/1/2021		\$38.44	\$27.52	\$65.96
Operators (Heavy, Class 01 - See Notes)	5/1/2022		\$39.98	\$27.98	\$67.96
Operators (Heavy, Class 01A - See Notes)	5/1/2021		\$40.69	\$28.18	\$68.87
Operators (Heavy, Class 01A - See Notes)	5/1/2022		\$42.23	\$28.64	\$70.87

**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

<b>Project: 22-08931 - Heavy/Highway</b>	<b>Effective Date</b>	<b>Expiration Date</b>	<b>Hourly Rate</b>	<b>Fringe Benefits</b>	<b>Total</b>
Operators (Heavy, Class 02 - See Notes)	5/1/2021		\$38.16	\$27.43	\$65.59
Operators (Heavy, Class 02 - See Notes)	5/1/2022		\$39.70	\$27.89	\$67.59
Operators (Heavy, Class 02A - See Notes)	5/1/2021		\$40.41	\$28.10	\$68.51
Operators (Heavy, Class 02A - See Notes)	5/1/2022		\$41.95	\$28.56	\$70.51
Operators (Heavy, Class 03 - See Notes)	5/1/2021		\$35.24	\$26.57	\$61.81
Operators (Heavy, Class 03 - See Notes)	5/1/2022		\$36.78	\$27.03	\$63.81
Operators (Heavy, Class 04 - See Notes)	5/1/2021		\$34.10	\$26.24	\$60.34
Operators (Heavy, Class 04 - See Notes)	5/1/2022		\$35.65	\$26.69	\$62.34
Operators (Heavy, Class 05 - See Notes)	5/1/2021		\$33.65	\$26.11	\$59.76
Operators (Heavy, Class 05 - See Notes)	5/1/2022		\$35.20	\$26.56	\$61.76
Operators (Heavy, Class 06 - See Notes)	5/1/2021		\$32.77	\$25.84	\$58.61
Operators (Heavy, Class 06 - See Notes)	5/1/2022		\$34.31	\$26.31	\$60.62
Operators (Heavy, Class 07A - See Notes)	5/1/2021		\$46.59	\$31.37	\$77.96
Operators (Heavy, Class 07A - See Notes)	5/1/2022		\$48.45	\$31.91	\$80.36
Operators (Heavy, Class 07B - See Notes)	5/1/2021		\$46.25	\$31.26	\$77.51
Operators (Heavy, Class 07B - See Notes)	5/1/2022		\$48.10	\$31.81	\$79.91
Operators (Highway, Class 01 - See Notes)	5/1/2021		\$39.10	\$25.70	\$64.80
Operators (Highway, Class 01 - See Notes)	5/1/2022		\$39.10	\$27.70	\$66.80
Operators (Highway, Class 01a - See Notes)	5/1/2021		\$41.35	\$26.38	\$67.73
Operators (Highway, Class 01a - See Notes)	5/1/2022		\$41.35	\$28.38	\$69.73
Operators (Highway, Class 02 - See Notes)	5/1/2021		\$37.93	\$25.35	\$63.28
Operators (Highway, Class 02 - See Notes)	5/1/2022		\$37.93	\$27.35	\$65.28
Operators (Highway, Class 03 - See Notes)	5/1/2021		\$37.23	\$25.16	\$62.39
Operators (Highway, Class 03 - See Notes)	5/1/2022		\$37.23	\$27.15	\$64.38
Operators (Highway, Class 04 - See Notes)	5/1/2021		\$36.77	\$25.03	\$61.80
Operators (Highway, Class 04 - See Notes)	5/1/2022		\$36.77	\$27.03	\$63.80
Operators (Highway, Class 05 - See Notes)	5/1/2021		\$36.26	\$24.87	\$61.13
Operators (Highway, Class 05 - See Notes)	5/1/2022		\$36.26	\$26.88	\$63.14
Operators (Highway, Class 06 - See Notes)	5/1/2021		\$39.33	\$25.78	\$65.11
Operators (Highway, Class 06 - See Notes)	5/1/2022		\$39.33	\$27.77	\$67.10
Operators (Highway, Class 06/A - See Notes)	5/1/2021		\$41.58	\$26.43	\$68.01
Operators (Highway, Class 06/A - See Notes)	5/1/2022		\$41.58	\$28.43	\$70.01
Operators (Highway, Class 07/A - See Notes)	5/1/2021		\$47.08	\$29.49	\$76.57
Operators (Highway, Class 07/A - See Notes)	5/1/2022		\$47.38	\$31.59	\$78.97
Operators (Highway, Class 07/B - See Notes)	5/1/2021		\$45.66	\$29.08	\$74.74
Operators (Highway, Class 07/B - See Notes)	5/1/2022		\$45.97	\$31.17	\$77.14
Painters Class 1 (see notes)	5/1/2018		\$23.92	\$14.37	\$38.29
Painters Class 2 (see notes)	5/1/2021		\$27.97	\$16.50	\$44.47
Painters Class 2 (see notes)	5/1/2022		\$28.55	\$17.03	\$45.58
Painters Class 3 (see notes)	5/1/2021		\$33.72	\$16.50	\$50.22
Painters Class 3 (see notes)	5/1/2022		\$34.30	\$17.03	\$51.33
Pile Driver Divers (Building, Heavy, Highway)	1/1/2021		\$54.75	\$20.10	\$74.85
Pile Driver Divers (Building, Heavy, Highway)	1/1/2022		\$56.40	\$20.50	\$76.90
Piledrivers	5/1/2021		\$33.12	\$17.74	\$50.86

**BUREAU OF LABOR LAW COMPLIANCE  
PREVAILING WAGES PROJECT RATES**

<b>Project: 22-08931 - Heavy/Highway</b>	<b>Effective Date</b>	<b>Expiration Date</b>	<b>Hourly Rate</b>	<b>Fringe Benefits</b>	<b>Total</b>
Piledrivers	5/1/2022		\$34.02	\$18.39	\$52.41
Steamfitters (Heavy and Highway - Gas Distribution)	5/1/2022		\$48.43	\$40.28	\$88.71
Truckdriver class 1 (see notes)	5/1/2021		\$37.72	\$0.00	\$37.72
Truckdriver class 2 (see notes)	5/1/2021		\$37.79	\$0.00	\$37.79
Truckdriver class 3 (see notes)	5/1/2021		\$38.28	\$0.00	\$38.28

## RECIPROCAL LIMITATIONS ACT REQUIREMENTS

Please Complete Applicable Portion of Pages 3 & 4 and Return with Bid.

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NOTE: These Requirements Do Not Apply To Bids Under \$10,000.00

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### I. REQUIREMENTS

- A.** The Reciprocal Limitations Act requires the Commonwealth to give preference to those bidders offering supplies produced, manufactured, mined or grown in Pennsylvania as against those bidders offering supplies produced, manufactured, mined or grown in any state that gives or requires a preference to supplies produced, manufactured, mined or grown in that state. The amount of the preference shall be equal to the amount of the preference applied by the other state for that particular supply.

The following is a list of states which have been found by the Department of General Services to have applied a preference for in-state supplies and the amount of the preference:

STATE	PREFERENCE
1. Alaska	7% (applies only to timber, lumber, and manufactured lumber products originating in the state)
2. Arizona	5% (construction materials produced or manufactured in the state only)
3. Hawaii	10%
4. Illinois	10% for coal only
5. Iowa	5% for coal only
6. Louisiana	4% meat and meat products 4% catfish 10% milk & dairy products 10% steel rolled in Louisiana 7% all other products
7. Montana	5% for residents * 3% for non-residents* *offering in-state goods, supplies, equipment and materials
8. New Mexico	5%
9. New York	3% for purchase of food only
10. Oklahoma	5%
11. Virginia	4% for coal only
12. Washington	5% (fuels mined or produced in the state only)
13. Wyoming	5%

- B.** The Reciprocal Limitations Act requires the Commonwealth to give preference to those bidders offering printing performed in Pennsylvania as against those bidders offering printing performed in any state that gives or requires a preference to printing performed in that state. The amount of the preference shall be equal to the amount of the preference applied by the other state for that particular category of printing.

The following is a list of states which have been found by the Department of General Services to have applied a preference for in-state printing and the amount of the preference:

STATE	PREFERENCE
1. Hawaii	15%
2. Idaho	10%
3. Louisiana	3%
4. Montana	8%
5. New Mexico	5%
6. Wyoming	10%

- C.** The Reciprocal Limitations Act, also requires the Commonwealth to give resident bidders a preference against a nonresident bidder from any state that gives or requires a preference to bidders from that state or exclude bidders from states that exclude nonresident bidders. The amount of the preference shall be equal to the amount of the preference applied by the state of the nonresident bidder. The following is a list of the states which have been found by the Department of General Services to have applied a preference for in-state bidders and the amount of the preference:

<b>STATE</b>	<b>PREFERENCE</b>
1. Alaska	5% (supplies only)
2. Arizona	5% (construction materials from Arizona resident dealers only)
3. California	5% (for supply contracts only in excess of \$100,000.00)
4. Connecticut	10% (for supplies only)
5. Montana	3%
6. New Mexico	5% (for supplies only)
7. South Carolina	2% (under \$2,500,000.00) 1% (over \$2,500,000.00)
	This preference does not apply to construction contracts nor where the price of a single unit exceeds \$10,000.
8. West Virginia	2.5% (for the construction, repair or improvement of any buildings)
9. Wyoming	5%

<b>STATE</b>	<b>PROHIBITION</b>
1. New Jersey	For supply procurements or construction projects restricted to Department of General Services Certified Small Businesses, New Jersey bidders shall be excluded from award even if they themselves are Department of General Services Certified Small Businesses.

D. The Reciprocal Limitations Act also requires the Commonwealth not to specify, use or purchase supplies which are produced, manufactured, mined or grown in any state that prohibits the specification for, use, or purchase of such items in or on its public buildings or other works, when such items are not produced, manufactured, mined or grown in such state. The following is a list of the states which have been found by the Department of General Services to have prohibited the use of out-of-state supplies:

<b>STATE</b>	<b>PROHIBITION</b>
1. Alabama	Only for printing and binding involving "messages of the Governor to the Legislature", all bills, documents and reports ordered by and for the use of the Legislature or either house thereof while in session; all blanks, circulars, notices and forms used in the office of or ordered by the Governor, or by any state official, board, commission, bureau or department, or by the clerks of the supreme court . . ./and other appellate courts/; and all blanks and forms ordered by and for the use of the Senate and Clerk of the House of Representatives, and binding the original records and opinions of the Supreme Court . . . /and other appellate courts/
2. Georgia	Forest products only
3. Indiana	Coal
4. Michigan	Printing
5. New Mexico	Construction
6. Ohio	Only for House and Senate bills, general and local laws, and joint resolutions; the journals and bulletins of the Senate and house of Representatives and reports, communications, and other documents which form part of the journals; reports, communications, and other documents ordered by the General Assembly, or either House, or by the executive department or elective state officers; blanks, circulars, and other work for the use of the executive departments, and elective state officers; and opinions of the Attorney General.
7. Rhode Island	Only for food for state institutions.

\*If the bid discloses that the bidder is offering to supply one of the above-listed products that is manufactured, mined, or grown in the listed state, it shall be rejected. Contractors are prohibited from supplying these items from these states.

## II. CALCULATION OF PREFERENCE

In calculating the preference, the amount of a bid submitted by a Pennsylvania bidder shall be reduced by the percentage preference which would be given to a nonresident bidder by its state of residency (as found by the Department of General Services in Paragraph C above). Similarly, the amount of a bid offering Pennsylvania goods, supplies, equipment or materials shall be reduced by the percentage preference which would be given to another bidder by the state where the goods, supplies, equipment or materials are produced, manufactured, mined or grown (as found by the Department of General Services in Paragraphs A and B above).

THIS FORM MUST BE COMPLETED AND RETURNED WITH THE BID

**III. STATE OF MANUFACTURE**

All bidders must complete the following chart by listing the name of the manufacturer and the state (or foreign country) of manufacture for each item. If the item is domestically produced, the bidder must indicate the state in the United States where the item will be manufactured. **This chart must be completed and submitted with the bid or no later than two (2) business days after notification from the Issuing Office to furnish the information. Failure to complete this chart and provide the required information prior to the expiration of the second business day after notification shall result in the rejection of the bid.**

ITEM NUMBER	NAME OF MANUFACTURER	STATE (OR FOREIGN COUNTRY) OF MANUFACTURE

**IV. BIDDER'S RESIDENCY**

**A.** In determining whether the bidder is a nonresident bidder from a state that gives or requires a preference to bidders from that state, the address given on the first page of this invitation to bid shall be used by the Commonwealth. If that address is incorrect, or if no address is given, the correct address should be provided in the space below:

Correct Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- B.** In order to claim the preference provided under Section I.B., Pennsylvania resident bidders must complete the following or have such information on file with the Issuing Office:
- 1.** Address of bidder's bona fide establishment in Pennsylvania at which it was transacting business on the date when bids for this contract/requisition were first solicited: \_\_\_\_\_
  - 2. a.** If the bidder is a corporation:
    - (1)** The corporation  is or  is not incorporated under the laws of the Commonwealth of Pennsylvania.
      - (a)** If the bidder is incorporated under the laws of the Commonwealth of Pennsylvania, provide date of incorporation: \_\_\_\_\_
      - (b)** If the bidder is not incorporated under the laws of the Commonwealth of Pennsylvania, it must have a certificate of authority to do business in the Commonwealth of Pennsylvania from the Pennsylvania Department of State as required by the Pennsylvania Business Corporation Law (15 P.S. §2001). Provide date of issuance of certificate of authority: \_\_\_\_\_
    - (2)** The corporation  is or  is not conducting business in Pennsylvania under an assumed or fictitious name. If the bidder is conducting business under an assumed or fictitious name, it must register the fictitious name with the Secretary of the Commonwealth and the office of the prothonotary of the county wherein the registered office of such corporation is located as required by the Fictitious Corporate Name Act, as amended 15 P.S. §51 et seq. Corporate bidders conducting business under an assumed or fictitious name must provide date of registry of the assumed or fictitious name: \_\_\_\_\_
  - b.** If the bidder is a partnership:
    - (1)** The partnership  is or  is not conducting business in Pennsylvania under an assumed or fictitious name. If the bidder is conducting business under an assumed or fictitious name, it must file with the Secretary of the Commonwealth and the office of the prothonotary the county wherein the principal place of business is located as required by the Fictitious Name Act of May 24, 1945, P.L. 967, as amended 54 P.S. §28.1. Partnerships conducting business under an assumed or fictitious name must provide the date of filing of the assumed or fictitious name with the Secretary of the Commonwealth: \_\_\_\_\_
    - (2)** The partnership  is or  is not a limited partnership formed under the laws of any jurisdiction other than the Commonwealth of Pennsylvania. If the bidder is an Out-of-state limited partnership, it must register with the Pennsylvania Department of State as required by the Act of July 10, 1981, P.L. 237, as amended, 59 Pa. C.S.A. §503. Out-of-state limited partnerships must provide the date of registry with the Pennsylvania Department of State: \_\_\_\_\_
  - c.** If the bidder is an individual:

He or she  is or  is not conducting business under an assumed or fictitious name. If the bidder is conducting business under an assumed or fictitious name, he or she must file with the Secretary of the Commonwealth and the office of the prothonotary in the county wherein the principal place of business is located as required by the Fictitious Name Act of May 24, 1945, P.L. 967, as amended, 54 P.S. §28.1. Individuals conducting business under an assumed or fictitious name must provide the date of filing of the assumed or fictitious name with the Secretary of the Commonwealth: \_\_\_\_\_





**WORKER PROTECTION AND INVESTMENT CERTIFICATION FORM**

A. Pursuant to Executive Order 2021-06, *Worker Protection and Investment* (October 21, 2021), the Commonwealth is responsible for ensuring that every worker in Pennsylvania has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with Pennsylvania’s Unemployment Compensation Law, Workers’ Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws including, but not limited to:

1. Construction Workplace Misclassification Act
2. Employment of Minors Child Labor Act
3. Minimum Wage Act
4. Prevailing Wage Act
5. Equal Pay Law
6. Employer to Pay Employment Medical Examination Fee Act
7. Seasonal Farm Labor Act
8. Wage Payment and Collection Law
9. Industrial Homework Law
10. Construction Industry Employee Verification Act
11. Act 102: Prohibition on Excessive Overtime in Healthcare
12. Apprenticeship and Training Act
13. Inspection of Employment Records Law

B. Pennsylvania law establishes penalties for providing false certifications, including contract termination; and three-year ineligibility to bid on contracts under 62 Pa. C.S. § 531 (Debarment or suspension).

**CERTIFICATION**

I, the official named below, certify I am duly authorized to execute this certification on behalf of the contractor/grantee identified below, and certify that the contractor/grantee identified below is compliant with applicable Pennsylvania state labor and workplace safety laws, including, but not limited to, those listed in Paragraph A, above. I understand that I must report any change in the contractor/grantee’s compliance status to the Purchasing Agency immediately. I further confirm and understand that this Certification is subject to the provisions and penalties of 18 Pa. C.S. § 4904 (Unsworn falsification to authorities).

<i>Signature</i> <span style="float: right;"><i>Date</i></span>
<i>Name (Printed)</i>
<i>Title of Certifying Official (Printed)</i>
<i>Contractor/Grantee Name (Printed)</i>

**SDB-1**  
**INSTRUCTIONS FOR COMPLETING THE SMALL DIVERSE BUSINESS (SDB)**  
**PARTICIPATION SUBMITTAL AND SDB UTILIZATION SCHEDULE.**

*PLEASE READ BEFORE COMPLETING THESE DOCUMENTS*  
*Bidders/Offerors do not need to return SDB-1 with their SDB Participation Submittal*

The following instructions include details for completing the SDB Participation Submittal (SDB-2) which Bidders or Offerors must submit in order to be considered responsive.

The following instructions also include details for completing the SDB Utilization Schedule (SDB-3), which Bidders or Offerors must submit for any portion of the SDB participation goal the Bidder or Offeror commits to meeting.

**A Bidder/Offeror's failure to meet the SDB participation goal in full or their failure to receive an approved Good Faith Efforts waiver for any unmet portion of the SDB participation goal will result in the rejection of the Bid or Proposal as nonresponsive.**

- I. **SDB Participation Goal:** The SDB participation goal is set forth in the eMarketplace advertisement and also in the Notice to Bidders. The Bidder/Offeror is encouraged to use a diverse group of subcontractors and suppliers from the SDB classifications to meet the SDB participation goal.
  
- II. **SDB Eligibility:**
  1. **Finding SDB firms:** Offerors can access the directory of **DGS-verified** SDB firms from the DGS Supplier Search directory at: <http://www.dgs.internet.state.pa.us/suppliersearch>.
  2. **Only SDBs verified by DGS** and as defined herein may be counted for purposes of achieving the SDB participation goal. In order to be counted for purposes of achieving the SDB participation goal, the SDB firm, including an SDB prime, must be DGS-verified for the services, materials or supplies that it has committed to perform on the **SDB Utilization Schedule (SDB-3)**. A firm whose SDB verification is pending or incomplete as of the bid or proposal due date and time shall not be counted towards the SDB participation goal. Offerors cannot use self-certified SBs that do not have their SDB verification as of the bid or proposal due date and time to meet the SDB participation goal.
  3. **SDB Requirements:** To be considered an SDB, a firm must be a **DGS-verified** small minority business enterprise (MBE); woman business enterprise (WBE); LGBT business enterprise (LGBTBE); Disability-owned business enterprise (DOBE); Service-Disabled Veteran-Owned Small Business Enterprise (SDVBE); or otherwise deemed disadvantaged by the Uniform Certification Program.

Additional information on the DGS verification process can be found at:  
<https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx>

## SDB-1

### INSTRUCTIONS FOR COMPLETING THE SMALL DIVERSE BUSINESS (SDB) PARTICIPATION SUBMITTAL AND SDB UTILIZATION SCHEDULE.

4. Dually verified firms. If a DGS-verified SDB is dually verified as a VBE, the firm may receive credit towards both the SDB participation goal and the VBE participation goal set forth in the eMarketplace advertisement and also in the Notice to Bidders.

*Example: The SDB participation goal is 10% and the VBE participation goal is 5%. A subcontractor is DGS-verified as both an SDB and a VBE and will perform 10% of the contract work. The prime contractor can satisfy both the SDB participation goal and the VBE participation goal through that subcontractor's performance of 10% of the contract work., unless otherwise agreed to by the parties in writing and approved by BDISBO and the Issuing Office. However, an SDB firm verified as both a WBE and MBE may not be double counted toward satisfying the SDB participation goal.*

5. Participation by SDB firms as prime bidders/offerors or subcontractors. A Bidder/Offeror that qualifies as an SDB and submits a bid or proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Bidders/Offerors. An SDB may be included as a subcontractor with as many prime contractors as it chooses in separate bids or proposals and a prime contractor may not prohibit an SDB from committing to any other prime contractor.
6. Questions about SDB verification. Questions regarding the SDB program, including questions about the self-certification and verification processes can be directed to:

Department of General Services  
Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)  
Room 611, North Office Building  
Harrisburg, PA 17125  
Phone: (717) 783-3119  
Fax: (717) 787-7052  
Email: [RA-BDISBOVerification@pa.gov](mailto:RA-BDISBOVerification@pa.gov)  
Website: [www.dgs.pa.gov](http://www.dgs.pa.gov)

### III. Guidelines Regarding SDB Prime Self-Performance.

1. An SDB firm participating as a prime bidder or offeror on a procurement may receive credit towards the SDB Participation goal established for the procurement through their own self-performance.

*Example: A solicitation has a 15% SDB participation goal. An SDB prime offeror self-performing contract work valued at only 10% of contract costs (if permitted by the solicitation documents) must still satisfy the remaining 5% SDB participation goal through subcontracting or must request a Good Faith Efforts Waiver for the unmet SDB participation goal. Failure to satisfy the remaining 5% SDB participation goal or failure*

**SDB-1**  
**INSTRUCTIONS FOR COMPLETING THE SMALL DIVERSE BUSINESS (SDB)**  
**PARTICIPATION SUBMITTAL AND SDB UTILIZATION SCHEDULE.**

*to obtain a Good Faith Efforts waiver for the unmet portion of the SDB participation goal will result in rejection of that SDB prime's bid or proposal as nonresponsive.*

2. For an SDB prime bidder or offeror to receive credit for self-performance, the SDB prime bidder or offeror must list itself in the **SDB Utilization Schedule (SDB-3)**.
3. The SDB prime bidder or offeror must also include the classification category (MBE, WBE, LGBTBE, DOBE, and/or SDVBE) under which it is self-performing and include information regarding the work it will self-perform. For any portion of the SDB participation goal not met through the SDB prime bidder or offeror's self-performance, the SDB bidder or offeror must also identify on the **SDB Utilization Schedule (SDB-3)** the other SDB subcontractors, manufacturers, or suppliers it will use to meet the unmet portion of the goal or must request and receive a Good Faith Efforts waiver.

**IV. Calculating SDB participation**

1. SDB subcontractors. An SDB subcontractor, through its own employees, shall perform at least 50% of the amount of the subcontract. 100% of the total subcontract amount shall be counted towards the SDB participation goal, unless the SDB subcontractor is performing one of the functions listed in paragraphs 2-4 below.
2. SDB manufacturers. An SDB manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles or equipment required under the contract and of the general character described by the specifications. 100% of the total cost of the materials or supplies purchased from the SDB manufacturer shall be counted towards the SDB participation goal.
3. SDB stocking suppliers. An SDB stocking supplier is a firm that owns, operates or maintains a store, warehouse or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock and regularly sold or leased to the public in the usual course of business. 60% of the total cost of the materials or supplies purchased from the SDB stocking supplier shall be counted towards the SDB participation goal.

*Example for illustrative purposes of applying the 60% rule:*

*Overall contract value: \$2,000,000*

*Total value of supplies: \$100,000*

*Apply 60% Rule: \$100,000 x 60% = \$60,000*

*Divide 60% Rule result by contract value: \$60,000/\$2,000,000 = 3%*

*In this example, 3% would be counted towards the SDB participation goal for the SDB supplier.*

4. SDB nonstocking suppliers. An SDB nonstocking supplier does not carry inventory but orders materials from a manufacturer, manufacturer's representative or a stocking

**SDB-1**  
**INSTRUCTIONS FOR COMPLETING THE SMALL DIVERSE BUSINESS (SDB)**  
**PARTICIPATION SUBMITTAL AND SDB UTILIZATION SCHEDULE.**

supplier. For a nonstocking supplier to receive credit, the nonstocking supplier shall perform a useful business function by engaging in meaningful work (that is, negotiating price; determining quality and quantity; ordering materials; and paying for the materials). Industry practices and other relevant factors will be considered. Only the amount of the fee or commission charged by the SDB nonstocking supplier for assistance in the procurement of the materials and supplies shall be counted towards the SDB participation goal. The fees or commissions must also be reasonable and not excessive as compared with fees customarily allowed for similar services.

V. Additional Required Documentation.

1. The Bidder or Offeror must submit along with its **SDB Participation Submittal (SDB-2)** a **letter of commitment (LOC) (SDB-3-1)** for each subcontractor included in its **SDB Utilization Schedule (SDB-3)**. At a minimum, each **LOC** must contain the following unless otherwise specified by the solicitation documents:
  - a. The dollar amount of the commitment made to the SDB; and
  - b. A description of the services or supplies the SDB will provide; and
  - c. The timeframe during the contract term when the SDB will perform or provide the services and/or supplies; and
  - d. The name and telephone number of the Bidder or Offeror's point of contact for SDB participation; and
  - e. The name, address, and telephone number of the primary contact person for the SDB; and
  - f. Signatures of representatives of both the Bidder/Offeror and the SDB subcontractor who are authorized to contractually bind their firm.

VI. Document Submittal Errors.

1. **Fatal errors.** The following errors will result in rejection of a bid or proposal as non-responsive:
  - a. Failure to submit a completed **SDB Participation Submittal (SDB-2)**;
  - b. Failure to submit an **SDB Utilization Schedule (SDB-3)**, unless the bidder or offeror is seeking a complete Good Faith Efforts waiver;
  - c. Failure to make commitments to and list **DGS-verified** SDBs that will be used to meet the SDB participation goal, unless the bidder or offeror's commitments to other DGS-verified SDBs meet or exceed the SDB Participation goal;

**SDB-1**  
**INSTRUCTIONS FOR COMPLETING THE SMALL DIVERSE BUSINESS (SDB)**  
**PARTICIPATION SUBMITTAL AND SDB UTILIZATION SCHEDULE.**

- d. Failure to submit a Good Faith Efforts waiver request when not fully meeting the SDB participation goal.

*Example: A bidder/offeror lists a subcontractor that possesses a third-party certificate issued by one of the DGS-approved third party certifying entities; however, the subcontractor did not complete its DGS SDB verification as of the bid or proposal due date and time. The bidder/offeror does not receive credit for any commitments made to the subcontractor and has therefore not met the SDB participation goal. The bidder/offeror cannot cure this error. Therefore, the bid or proposal must be rejected as non-responsive.*

2. **Potentially curable errors.** The Issuing Office and BDISBO may provide Bidders or Offerors the opportunity to provide clarifications or to correct errors not listed as fatal errors above. If the additionally submitted information does not adequately address or clarify the submittal, the bid or proposal may be rejected. **Bidders or Offerors are not permitted to add additional SDBs or make material changes as part of its clarifications or corrections in order to meet the SDB participation goal.**
3. **Solicitations with Multiple Base Bids.** If the Bid or Proposal contains multiple Base Bids, an Offeror must complete and submit a separate **SDB Participation Submittal (SDB-2)** and accompanying required documentation for EACH Base Bid, including Base Bids labeled “same as,” for which it is submitting a bid or proposal. Each separate **SDB Participation Submittal** and accompanying required documentation must be labeled to identify the corresponding Base Bid. Failure to submit an **SDB Participation Submittal** and accompanying required documentation for each Base Bid may result in the rejection of the bid or proposal for each Base Bid for which an **SDB Participation Submittal** was not submitted.

**SDB-2**  
**SDB PARTICIPATION SUBMITTAL**

**Discipline:** \_\_\_\_\_ (.1 GC, .2 HVAC, .3 Plumbing, or .4 Electrical)

**Base Bid:** \_\_\_\_\_ (identify the corresponding Base Bid for this SDB Participation Submittal)

**CHECK ONE, AND ONLY ONE, BOX. FAILURE TO COMPLY WILL RESULT IN REJECTION OF YOUR BID/PROPOSAL.**

*Click on bold titles to navigate to that specific page.*

**I agree to meet the SDB participation goal in full.**

I have completed and am submitting with my bid or proposal an **SDB Utilization Schedule (SDB-3)**, which is required in order to be considered for award.

**I am requesting a partial waiver of the SDB participation goal.**

After making good faith outreach efforts as more fully described in the **Guidance for Documenting Good Faith Efforts to Meet the SDB Participation Goal**, I am unable to achieve the total SDB participation goal for this solicitation and am requesting a partial waiver of the SDB participation goal.

I have completed and am submitting with my bid or proposal both of the following, which are required in order to be considered for award:

1. an **SDB Utilization Schedule (SDB-3)** for that portion of the SDB participation goal that I will meet; AND
2. a **Good Faith Efforts Waiver Request** for the portion of the SDB participation goals that I am unable to meet.

**I am requesting a full waiver of the SDB participation goal**

After making good faith outreach efforts as more fully described in the **Guidance for Documenting Good Faith Efforts to Meet the SDB Participation Goal**, I am unable to achieve any part of the SDB participation goal for this solicitation and am requesting a full waiver of the SDB participation goal.

I have completed and am submitting with my bid or proposal a **Good Faith Efforts Waiver Request** for the complete SDB participation goal, which is required in order to be considered for award.

NOTE: SDB primes who are submitting as bidders or offerors must complete an **SDB Utilization Schedule (SDB-3)** identifying any self-performance towards the SDB participation goal.

**SDB-3**  
**SDB UTILIZATION SCHEDULE**

List in the chart below SDBs (including where applicable a prime bidder or offeror is self-performing a portion of the work) that will be used to meet the SDB participation goal (add additional pages if necessary). Submit a **Letter of Commitment (SDB-3-1)** for each SDB subcontractor, supplier, or manufacturer (add additional Letters of Commitment as necessary).

SDB Name SAP Vendor Number (6-digit number provided by SDB) SDB Verification Number (located on DGS SDB verification)	Type of SDB (check all that apply)	Description of Work to be Performed (Statement of Work/Specification reference)	% Commitment (or % of work to be self-performed by SDB bidder/offeror)	Dollar Value of Commitment (after applying any calculation per SDB-1, Section IV, Calculating SDB participation)
Name: <u>ABC IT Solutions</u> SAP Vendor Number: <u>123456</u> SDB Verification Number: <u>123456-2016-09-SB-M</u>	MBE	IT staffing resources	%	\$
Name: SAP Vendor Number: SDB Verification Number:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE <input type="checkbox"/> SDVBE		%	
Name: SAP Vendor Number: SDB Verification Number:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE <input type="checkbox"/> SDVBE		%	
Name: SAP Vendor Number: SDB Verification Number:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE <input type="checkbox"/> SDVBE		%	
Name: SAP Vendor Number: SDB Verification Number:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE <input type="checkbox"/> SDVBE		%	
Attach additional sheets if necessary			Total % SDB commitment: <u>0</u>	Total \$ amount: <u>\$ 0</u>



**SDB-3-1  
LETTER OF COMMITMENT**

This Letter of Commitment serves as confirmation of the commitment by the prime Bidder or Offeror to utilize the Small Diverse Business (SDB) on the below-referenced Solicitation/Project.

Solicitation Number: \_\_\_\_\_

Solicitation Name: \_\_\_\_\_

	Bidder/Offeror Information	SDB Information
Name		
Address		
Point of Contact		
Telephone number		
Email address		

Services/Supplies and Time Frame. If Bidder/Offeror is the successful vendor, the SDB shall perform or provide the following services or supplies during the term of the prime contract, as more specifically set forth below:

Services or supplies the SDB will provide:	
Specific Time Frame the SDB will provide the services or supplies:	

Dollar Value of Commitment. These services or supplies represent \$ \_\_\_\_\_ for the term of the contract.

SDB verified. By signing below, the SDB represents that it meets the SDB requirements set forth in the Solicitation and all required documentation has been provided to the Bidder/Offeror for its SDB submission.

Sincerely,

Acknowledged

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature  
Bidder/Offeror Point of Contact Name

\_\_\_\_\_  
Signature  
SDB Point of Contact Name

*\* For purposes of monitoring compliance with SDB and VBE commitments, the work performed by a firm that is both an SDB and a VBE will be counted by BDISBO towards fulfilling both the SDB and VBE commitments unless otherwise agreed to by the parties in writing and approved by BDISBO and the Issuing Office.*

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

*Bidders/Offerors do not need to return SDB-4 with their SDB Participation Submittal*

In order for its bid or proposal to be responsive, the Bidder or Offeror must either (1) meet the SDB participation goal and document its commitments for participation of SDB firms, or (2) when it does not meet the SDB participation goal, submit a Good Faith Efforts waiver request as set forth in Section IV below and the **Good Faith Efforts Documentation to Support Waiver Request (SDB-5)** of the SDB Participation Goal.

**I. Definitions**

**Good Faith Efforts** - The “Good Faith Efforts” requirement means that when requesting a waiver, the Offeror must demonstrate that it took all necessary and reasonable steps to achieve the SDB participation goal. Those steps are considered necessary and reasonable when their scope, intensity, and relevance could reasonably be expected to obtain sufficient SDB participation, even if those steps were not fully successful. The Issuing Agency and Department of General Services’ Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) will determine whether or not the Offeror requesting a Good Faith Efforts waiver made adequate Good Faith Efforts by considering the quality, quantity, and intensity of the Offeror’s efforts. Mere *pro forma* efforts are not Good Faith Efforts to meet the SDB participation requirements. The determination concerning the sufficiency of the Offeror's Good Faith Efforts is subjective; meeting quantitative formulas is not required.

**Identified Items of Work** – all reasonably identifiable subcontractable work opportunities under a resulting contract for performance by subcontractors. If applicable for the procurement, offerors may also include manufacturing and the provision of supplies by stocking suppliers or nonstocking suppliers as Identified Items of Work.

**Identified SDBs**– all of the SDBs the Offeror has identified as available to perform the Identified Items of Work and should include all DGS-verified SDBs that are reasonably identifiable.

**Offeror** – for purposes of this **Good Faith Efforts Documentation to Support Waiver Request**, the term “Offeror” includes any entity responding to a solicitation, including invitations for bids, requests for proposals, and other types of best value solicitations.

**SDB** – “SDB” refers to Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Disability-Owned Business Enterprises (DOBE), LGBT-Owned Business Enterprises (LGBTBE), Service-Disabled Veteran-Owned Small Business Enterprise (SDVBE) verified by BDISBO, or otherwise deemed disadvantaged by the Uniform Certification Program.

**SDB participation goal** – “SDB participation goal” refers to the SDB participation goal set for a procurement for MBE, WBE, LGBTBE, DOBE, and SDVBE utilization.

**II. Types of Actions Agency and BDISBO will Consider**

The following is a list of types of actions the procuring agency and BDISBO will consider as part of the Offeror's Good Faith Efforts when the Offeror is unable to meet, in full, the SDB

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL  
DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

participation goal. This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

**A. Identify Proposal Items as Work for SDBs**

1. Identified Items of Work

- (a) Offerors should reasonably identify sufficient items of work to be performed by SDBs.
- (b) Where appropriate, Offerors should break out contract work items into economically feasible units to facilitate SDB participation, rather than perform these work items with their own forces. **The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the Offeror of the responsibility to make Good Faith Efforts to meet the SDB participation goal.**

**B. Identify SDBs to Solicit**

1. Identified SDBs

- (a) Offerors must reasonably identify the SDBs that are available to perform the Identified Items of Work.
- (b) Any SDBs identified as available by the Offeror should be certified to perform the Identified Items of Work.

**C. Solicit SDBs**

- 1. Offerors must solicit a reasonable number of identified SDBs for all Identified Items of Work by providing written notice. The Offeror must:
  - (a) provide the written solicitation to the Identified SDBs at least 10 days prior to Bid or Proposal due date to allow sufficient time for the Identified SDB to respond;
  - (b) send the written solicitation by first-class mail, facsimile, or e-mail using contact information in the BDISBO Directory, unless the Offeror has a valid basis for using different contact information; and
  - (c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the Identified SDB, and other requirements of the contract to assist Identified SDBs in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL  
DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

2. "All" Identified SDBs includes any SDB Firms the Offeror identifies as potentially available to perform the Identified Items of Work, but it does not include Identified SDBs who are no longer certified to perform the work as of the date the Offeror provides written solicitations.
3. "Electronic Means" includes, for example, information provided *via* a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested SDB cannot access the information provided by electronic means, the Offeror must make the information available in a manner that is accessible to the interested SDB.
4. Offerors must follow up on initial written solicitations by contacting Identified SDBs to determine their interest in bidding. The follow up contact may be made:
  - (a) by telephone using the contact information in BDISBO's Directory, unless the Offeror has a valid basis for using different contact information; or
  - (b) in writing *via* a method that differs from the method used for the initial written solicitation.
5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, offerors must use all other reasonable and available means to solicit the interest of Identified SDBs certified to perform the work of the contract. Examples of other means include:
  - (a) attending any Supplier Forums, or Pre-Proposal or Pre-Bid conferences at which SDBs could be informed of contracting and subcontracting opportunities; and
  - (b) if recommended by the procurement, advertising with or effectively using the services of at least two diversity-focused entities or media, including trade associations, minority/women/disability/LGBT community organizations, minority/women/disability/LGBT contractors' groups, and local, state, and federal minority/women/disability/LGBT business assistance offices.

**D. Negotiate with Interested SDBs**

Offerors must negotiate in good faith with interested SDBs.

1. Evidence of negotiation includes, without limitation, the following:
  - (a) the names, addresses, and telephone numbers of SDBs that were considered;
  - (b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL  
DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

- (c) evidence as to why additional agreements could not be reached for SDBs to perform the work.
2. In negotiating with subcontractors, the offeror should consider a subcontractor's price and capabilities as well as the SDB participation goal.
  3. Additional costs incurred in finding and using SDBs are not sufficient justification for the Offeror's failure to meet the SDB participation goal, as long as such costs are reasonable. Factors to take into consideration when determining whether an SDB's quote is excessive or unreasonable include, without limitation, the following:
    - (a) dollar difference between the SDB subcontractor's quote and the average of other subcontractors' quotes received by the Offeror;
    - (b) percentage difference between the SDB subcontractor's quote and the average of other subcontractors' quotes received by the Offeror;
    - (c) percentage that the SDB subcontractor's quote represents of the total contract cost;
    - (d) whether the work described in the SDB and Non-SDB subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and
    - (e) number of quotes received by the Offeror for that portion of the work.
  4. The factors in paragraph 3 above are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.
  5. The Offeror may not use its price for self-performing work as a basis for rejecting an SDB's quote as excessive or unreasonable.
  6. The "average of the other subcontractors' quotes received" by the Offeror refers to the average of the quotes received from all subcontractors. Offeror should attempt to receive quotes from at least three subcontractors, including one quote from an SDB and one quote from a non-SDB.
  7. The Offeror shall not reject an SDB as unqualified without sound justification based on a thorough investigation of the SDB's capabilities. For each SDB that is rejected as unqualified or that placed a subcontract quotation or offer that the Offeror concludes is not acceptable, the Offeror must provide a written detailed statement outlining the justification for its conclusion. The Offeror also must document the steps taken to verify the capabilities of the SDB and non-SDB Firms quoting similar work.

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

- (a) The factors to take into consideration when assessing the capabilities of an SDB include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.
- (b) The SDB's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of Proposals in the efforts to meet the SDB participation goal.

**E. Assisting Interested SDBs**

When appropriate under the circumstances, the procuring agency and BDISBO will consider whether the Offeror made reasonable efforts to assist interested SDBs in obtaining:

1. The bonding, lines of credit, or insurance required by the procuring agency or the Offeror; and
2. Necessary equipment, supplies, materials, or related assistance or services.

**III. Other Considerations**

In making a determination of Good Faith Efforts, the procuring agency and BDISBO may consider engineering estimates, catalogue prices, general market availability and availability of certified SDBs in the area in which the work is to be performed, other Proposals or offers and subcontract Proposals or offers substantiating significant variances between SDB and non-SDB costs of participation, and their impact on the overall cost of the contract to the Commonwealth and any other relevant factors.

The procuring agency and BDISBO may consider whether the Offeror decided to self-perform potentially subcontractable work with its own forces. The procuring agency and BDISBO also may consider the performance of other Offerors in meeting the SDB participation goal. For example, when the apparent successful Offeror fails to meet the SDB participation goal, but others meet it, this raises the question of whether, with additional reasonable efforts, the apparent successful Offeror could have met the SDB participation goal. If the apparent successful Offeror fails to meet the SDB participation goal but meets or exceeds the average SDB participation obtained by other Offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful Offeror having made Good Faith Efforts.

**IV. Documenting Good Faith Efforts**

At a minimum, the Offeror seeking a Good Faith Efforts waiver of the SDB participation goal or a portion thereof must provide written documentation of its Good Faith Efforts along with its bid or proposal. The written documentation shall include the following:

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL  
DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

**A. Items of Work (complete SDB-5, Part 1 – Identified Items of Work Offeror Made Available to SDBs)**

A detailed statement of the efforts made to select portions of the contract work proposed to be performed by SDBs in order to increase the likelihood of achieving the SDB participation goal.

**B. Outreach/Solicitation/Negotiation**

1. A detailed statement of the efforts made to contact and negotiate with SDBs including:
  - (a) the names, addresses, and telephone numbers of the SDBs who were contacted, with the dates and manner of contacts (letter, fax, e-mail, telephone, etc.) **(complete SDB-5, Part 2 – Identified SDB Firms and Records of Solicitations. Include letters, fax cover sheets, e-mails, etc. documenting solicitations);** and
  - (b) a description of the information provided to SDBs regarding the plans, specifications, and anticipated time schedule for portions of the contract work to be performed and the means used to provide that information.
2. The record of the Offeror's compliance with the outreach efforts set forth in **SDB-5, Part 3 - Outreach Efforts Compliance Statement.**

**C. Rejected SDBs (complete SDB-5, Part 4 - Additional Information Regarding Rejected SDB Quotes)**

1. For each SDB that the Offeror concludes is not acceptable or qualified, provide a detailed statement of the reasons for this conclusion, including the steps taken to verify the capabilities of the SDB and non-SDB firms quoting similar work.
2. For each SDB that the Offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the Offeror's conclusion, including the quotes received from all SDB and non-SDB firms proposing on the same or comparable work. **(Include copies of all quotes received.)**

**D. Unavailable SDBs (complete SDB-5, Part 5 – SDB Subcontractor Unavailability Certificate)**

1. **For each SDB that the Offeror contacted but found to be unavailable, submit an SDB Subcontractor Unavailability Certificate** signed by the SDB, an email from the SDB indicating the SDB is unavailable, or a statement from the Offeror that the SDB refused to sign the SDB Subcontractor Unavailability Certificate.

**SDB-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE SMALL  
DIVERSE BUSINESS (SDB) PARTICIPATION GOAL**

**E. Other Documentation**

1. Submit any other documentation requested by BDISBO or the Procuring Agency to ascertain the Offeror's Good Faith Efforts.
  
2. Submit any other documentation the Offeror believes will help BDISBO or the Procuring Agency ascertain its Good Faith Efforts.



**SDB-5**

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF SDB PARTICIPATION GOAL**

<b>Project Description:</b>	
<b>Commonwealth Agency Name:</b>	
<b>Solicitation #:</b>	
<b>Solicitation Due Date and Time:</b>	

<b>Bidder/Offeror Company Name:</b>	
<b>Bidder/Offeror Contact Name:</b>	
<b>Bidder/Offeror Contact Email:</b>	
<b>Bidder/Offeror Contact Phone Number:</b>	

**Part 1 – Identified Items of Work Offeror Made Available to SDBs**

Identify those items of contract work that the Offeror made available to SDBs. This includes, where appropriate, those items the Offeror identified and subdivided into economically feasible units to facilitate the SDB participation. For each item listed, show the anticipated percentage of the total contract cost. Offeror must demonstrate that enough work to meet the SDB participation goal was made available to SDBs, and the total percentage of the items of work identified for SDB participation met or exceeded the SDB participation goal set for the procurement.

Identified Items of Work	Was this work listed in the solicitation?	Does Offeror normally self-perform this work?	Was this work made available to SDB Firms? If not, explain why.
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Attach additional sheets if necessary.

**SDB-5**

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF SDB PARTICIPATION GOAL**

**Part 2 – Identified SDBs and Record of Solicitations**

Identify the SDBs solicited to provide quotes for the Identified Items of Work made available for SDB participation. Include the name of the SDB solicited, items of work for which quotes were solicited, date and manner of initial and follow-up solicitations, whether the SDB provided a quote, and whether the SDB is being used toward meeting the SDB participation goal. SDBs used to meet the SDB participation goal must be listed on the SDB Utilization Schedule (SDB-2).

Note: Copies of all written solicitations and documentation of follow-up calls to SDBs must be attached to this form. For each Identified SDB listed below, Offeror should submit an SDB Subcontractor Unavailability Certificate signed by the SDB or a statement from the Offeror that the SDB refused to sign the SDB Subcontractor Unavailability Certificate.

Name of Identified SDB and Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Received?	Quote Used?	Reason Quote Rejected
SDB Name:  <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE <input type="checkbox"/> SDVBE		Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date and Time of Call:  Spoke with:  Left Message:	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> Used other SDB <input type="checkbox"/> Used non-SDB <input type="checkbox"/> Self performing
SDB Name:  <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> LGBTBE <input type="checkbox"/> DOBE <input type="checkbox"/> SDVBE		Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date and Time of Call:  Spoke with:  Left Message:	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> Used other SDB <input type="checkbox"/> Used non-SDB <input type="checkbox"/> Self performing

Attach additional sheets as necessary.

**SDB-5**  
**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF**  
**SDB PARTICIPATION GOAL**

**Part 3 – SDB Outreach Compliance Statement**

- 1. List the Identified Items of Work for subcontracting opportunities for the solicitation along with specific work categories:**

- 2. Attach to this form copies of written solicitations (with Bid or Proposal instructions) used to solicit Identified SDBs for these subcontract opportunities.**

- 3. Offeror made the following attempts to contact the Identified SDBs:**

- 4. Bonding Requirements (Please Check One):**

This project does not involve bonding requirements.

Offeror assisted Identified SDBs to fulfill or seek waiver of bonding requirements.  
(DESCRIBE EFFORTS):

- 5. Pre-Bid/Proposal Conference or Supplier Forum (Please Check One):**

Offeror did attend the pre-Bid/Proposal conference or Supplier Forum

No pre-Bid/Proposal conference or Supplier Forum was held

Offeror did not attend the pre-Bid/Proposal conference or Supplier Forum

**SDB-5**

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF SDB PARTICIPATION GOAL**

**Part 4 – Additional Information Regarding Rejected SDB Quotes**

This form must be completed if Part 2 indicates that an SDB quote was rejected because the Offeror is using a non-SDB or is self-performing the Identified Items of Work. List the Identified Items of Work, state whether the work will be self-performed or performed by a non-SDB, and if applicable, state the name of the non-SDB firm. Also include the names of all SDBs and non-SDB firms that provided a quote and the amount of each quote.

Describe Identified Items of Work not being performed by SDBs (include specific section from bid or proposal)	Self-performing or using non-SDB (provide name of non-SDB if applicable)	Amount of non-SDB quote \$	Name of other firms that provided quotes and whether they are SDB	Amount quoted \$	Reason why SDB quote was rejected along with brief explanation
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-SDB Name:		<input type="checkbox"/> SDB <input type="checkbox"/> Non-SDB Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-SDB Name:		<input type="checkbox"/> SDB <input type="checkbox"/> Non-SDB Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-SDB Name:		<input type="checkbox"/> SDB <input type="checkbox"/> Non-SDB Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-SDB Name:		<input type="checkbox"/> SDB <input type="checkbox"/> Non-SDB Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-SDB Name:		<input type="checkbox"/> SDB <input type="checkbox"/> Non-SDB Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other

Attach additional sheets as necessary.

**SDB-5**  
**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF**  
**SDB PARTICIPATION GOAL**

**Part 5 – SDB Subcontractor Unavailability Certificate**

1. It is hereby certified that the firm of \_\_\_\_\_  
(Name of SDB)

located at \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. \_\_\_\_\_

by \_\_\_\_\_  
(Name of Prime Contractor's Firm)

\*\*\*\*\*

2. \_\_\_\_\_ (SDB), is either unavailable for the work/service or  
unable to prepare a Proposal for this project for the following reason(s):

\_\_\_\_\_  
(Signature of SDB's Representative) (Title) (Date)

\_\_\_\_\_  
(DGS SDB Certification #) (Telephone #)

\*\*\*\*\*

3. If the SDB does not complete this form, the prime contractor must complete the following:

To the best of my knowledge and belief, the above-listed SDB is either unavailable for the work/service for this project, is unable to prepare a Proposal, or did not respond to a request for a price Proposal and has not completed the above portion of this submittal.

\_\_\_\_\_  
(Signature of Bidder/Offeror) (Title) (Date)

VBE-1  
INSTRUCTIONS FOR COMPLETING THE VETERAN BUSINESS ENTERPRISE  
(VBE) PARTICIPATION SUBMITTAL AND VBE UTILIZATION SCHEDULE.

*PLEASE READ BEFORE COMPLETING THESE DOCUMENTS*  
*Bidders/Offerors do not need to return VBE-1 with their VBE Participation Submittal*

The following instructions include details for completing the VBE Participation Submittal (VBE-2) which Bidders or Offerors must submit in order to be considered responsive.

The following instructions also include details for completing the VBE Utilization Schedule (VBE-3), which Bidders or Offerors must submit for any portion of the VBE participation goal the Bidder or Offeror commits to meeting.

**A Bidder/Offeror's failure to meet the VBE participation goal in full or their failure to receive an approved Good Faith Efforts waiver for any unmet portion of the VBE participation goal will result in the rejection of the Bid or Proposal as nonresponsive.**

- I. **VBE Participation Goal:** The VBE participation goal is set forth in the eMarketplace advertisement and also in the Notice to Bidders. The Bidder/Offeror is encouraged to use a diverse group of subcontractors and suppliers to meet the VBE participation goal.
  
- II. **VBE Eligibility:**
  1. **Finding VBE firms:** Offerors can access the directory of **DGS-verified** VBE firms from the DGS Supplier Search directory at: <http://www.dgs.internet.state.pa.us/suppliersearch>.
  
  2. **Only VBEs verified by DGS** and as defined herein may be counted for purposes of achieving the VBE participation goal. In order to be counted for purposes of achieving the VBE participation goal, the VBE firm, including an VBE prime, **must be DGS-verified for the services, materials or supplies that it has committed to perform on the VBE Utilization Schedule (VBE-3).** A firm whose VBE verification is pending or incomplete as of the bid or proposal due date and time shall not be counted towards the VBE participation goal. Offerors cannot use self-certified SBs that do not have their VBE verification as of the bid or proposal due date and time to meet the VBE participation goal.
  
  3. **VBE Requirements:** To be considered an VBE, a firm must be a **DGS-verified** Veteran-Owned Small Business Enterprise or Service-Disabled Veteran-Owned Small Business Enterprise.

Additional information on the DGS verification process can be found at:  
<https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx>

## VBE-1

### INSTRUCTIONS FOR COMPLETING THE VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION SUBMITTAL AND VBE UTILIZATION SCHEDULE.

4. Dually verified firms. If a DGS-verified SDB is dually verified as a VBE, the firm may receive credit towards both the SDB participation goal and the VBE participation goal as set forth in the eMarketplace advertisement and also in the Notice to Bidders.

*Example: The SDB participation goal is 10% and the VBE participation goal is 5%. A subcontractor is DGS-verified as both an SDB and a VBE and will perform 10% of the contract work. The prime contractor can satisfy both the SDB participation goal and the VBE participation goal through that subcontractor's performance of 10% of the contract work., unless otherwise agreed to by the parties in writing and approved by BDISBO and the Issuing Office.*

5. Participation by VBE firms as prime bidders/offerors or subcontractors. A Bidder/Offeror that qualifies as an VBE and submits a bid or proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Bidders/Offerors. An VBE may be included as a subcontractor with as many prime contractors as it chooses in separate bids or proposals and a prime contractor may not prohibit an VBE from committing to any other prime contractor.
6. Questions about VBE verification. Questions regarding the VBE program, including questions about the self-certification and verification processes can be directed to:

Department of General Services  
Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)  
Room 611, North Office Building  
Harrisburg, PA 17125  
Phone: (717) 783-3119  
Fax: (717) 787-7052  
Email: [RA-BDISBOVerification@pa.gov](mailto:RA-BDISBOVerification@pa.gov)  
Website: [www.dgs.pa.gov](http://www.dgs.pa.gov)

### III. Guidelines Regarding VBE Prime Self-Performance.

1. An VBE firm participating as a prime bidder or offeror on a procurement may receive credit towards the VBE Participation goal established for the procurement through their own self-performance.

*Example: A solicitation has a 15% VBE participation goal. An VBE prime offeror self-performing contract work valued at only 10% of contract costs (if permitted by the solicitation documents) must still satisfy the remaining 5% VBE participation goal through subcontracting or must request a Good Faith Efforts Waiver for the unmet VBE participation goal. Failure to satisfy the remaining 5% VBE participation goal or failure to obtain a Good Faith Efforts waiver for the unmet portion of the VBE*

## VBE-1

### INSTRUCTIONS FOR COMPLETING THE VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION SUBMITTAL AND VBE UTILIZATION SCHEDULE.

*participation goal will result in rejection of that VBE prime's bid or proposal as nonresponsive.*

2. For an VBE prime bidder or offeror to receive credit for self-performance, the VBE prime bidder or offeror must list itself in the **VBE Utilization Schedule (VBE-3)**.
3. The VBE prime bidder or offeror must also include the classification category (Veteran-Owned Small Business or Service-Disabled Veteran-Owned Small Business) under which it is self-performing and include information regarding the work it will self-perform. For any portion of the VBE participation goal not met through the VBE prime bidder or offeror's self-performance, the VBE bidder or offeror must also identify on the **VBE Utilization Schedule (VBE-3)** the other VBE subcontractors, manufacturers, or suppliers it will use to meet the unmet portion of the goal or must request and receive a Good Faith Efforts waiver.

#### IV. Calculating VBE participation

1. VBE subcontractors. An VBE subcontractor, through its own employees, shall perform at least 50% of the amount of the subcontract. 100% of the total subcontract amount shall be counted towards the VBE participation goal, unless the VBE subcontractor is performing one of the functions listed in paragraphs 2-4 below.
2. VBE manufacturers. An VBE manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles or equipment required under the contract and of the general character described by the specifications. 100% of the total cost of the materials or supplies purchased from the VBE manufacturer shall be counted towards the VBE participation goal.
3. VBE stocking suppliers. An VBE stocking supplier is a firm that owns, operates or maintains a store, warehouse or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock and regularly sold or leased to the public in the usual course of business. 60% of the total cost of the materials or supplies purchased from the VBE stocking supplier shall be counted towards the VBE participation goal.

*Example for illustrative purposes of applying the 60% rule:*

*Overall contract value: \$2,000,000*

*Total value of supplies: \$100,000*

*Apply 60% Rule: \$100,000 x 60% = \$60,000*

*Divide 60% Rule result by contract value: \$60,000/\$2,000,000 = 3%*

*In this example, 3% would be counted towards the VBE participation goal for the VBE supplier.*

4. VBE nonstocking suppliers. An VBE nonstocking supplier does not carry inventory but orders materials from a manufacturer, manufacturer's representative or a stocking



**VBE-1**  
**INSTRUCTIONS FOR COMPLETING THE VETERAN BUSINESS ENTERPRISE  
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supplier. For a nonstocking supplier to receive credit, the nonstocking supplier shall perform a useful business function by engaging in meaningful work (that is, negotiating price; determining quality and quantity; ordering materials; and paying for the materials). Industry practices and other relevant factors will be considered. Only the amount of the fee or commission charged by the VBE nonstocking supplier for assistance in the procurement of the materials and supplies shall be counted towards the VBE participation goal. The fees or commissions must also be reasonable and not excessive as compared with fees customarily allowed for similar services.

**V. Additional Required Documentation.**

1. The Bidder or Offeror must submit along with its **VBE Participation Submittal (VBE-2)** a **letter of commitment (LOC) (VBE-3.1)** for each subcontractor included in its **VBE Utilization Schedule (VBE-3)**. At a minimum, each **LOC** must contain the following unless otherwise specified by the solicitation documents:
  - a. The dollar amount of the commitment made to the VBE; and
  - b. A description of the services or supplies the VBE will provide; and
  - c. The timeframe during the contract term when the VBE will perform or provide the services and/or supplies; and
  - d. The name and telephone number of the Bidder or Offeror's point of contact for VBE participation; and
  - e. The name, address, and telephone number of the primary contact person for the VBE; and
  - f. Signatures of representatives of both the Bidder/Offeror and the VBE subcontractor who are authorized to contractually bind their firm.

**VI. Document Submittal Errors.**

1. **Fatal errors.** The following errors will result in rejection of a bid or proposal as non-responsive:
  - a. Failure to submit a completed **VBE Participation Submittal (VBE-2)**;
  - b. Failure to submit an **VBE Utilization Schedule (VBE-3)**, unless the bidder or offeror is seeking a complete Good Faith Efforts waiver;
  - c. Failure to make commitments to and list **DGS-verified** VBEs that will be used to meet the VBE participation goal, unless the bidder or offeror's commitments to other DGS-verified VBEs meet or exceed the VBE Participation goal;

## VBE-1

### INSTRUCTIONS FOR COMPLETING THE VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION SUBMITTAL AND VBE UTILIZATION SCHEDULE.

- d. Failure to submit a Good Faith Efforts waiver request when not fully meeting the VBE participation goal.

*Example: A bidder/offeror lists a subcontractor that possesses a third-party certificate issued by one of the DGS-approved third party certifying entities; however, the subcontractor did not complete its DGS VBE verification as of the bid or proposal due date and time. The bidder/offeror does not receive credit for any commitments made to the subcontractor and has therefore not met the VBE participation goal. The bidder/offeror cannot cure this error. Therefore, the bid or proposal must be rejected as non-responsive.*

2. **Potentially curable errors.** The Issuing Office and BDISBO may provide Bidders or Offerors the opportunity to provide clarifications or to correct errors not listed as fatal errors above. If the additionally submitted information does not adequately address or clarify the submittal, the bid or proposal may be rejected. **Bidders or Offerors are not permitted to add additional VBEs or make material changes as part of its clarifications or corrections in order to meet the VBE participation goal.**
3. **Solicitations with Multiple Base Bids.** If the Bid or Proposal contains multiple Base Bids, an Offeror must complete and submit a separate **VBE Participation Submittal (VBE-2)** and accompanying required documentation for EACH Base Bid, including Base Bids labeled “same as,” for which it is submitting a bid or proposal. Each separate **VBE Participation Submittal** and accompanying required documentation must be labeled to identify the corresponding Base Bid. Failure to submit an **VBE Participation Submittal** and accompanying required documentation for each Base Bid may result in the rejection of the bid or proposal for each Base Bid for which an **VBE Participation Submittal** was not submitted.

**VBE-2**  
**VBE PARTICIPATION SUBMITTAL**

**Discipline:** \_\_\_\_\_ (.1 GC, .2 HVAC, .3 Plumbing, or .4 Electrical)

**Base Bid:** \_\_\_\_\_ (identify the corresponding Base Bid for this VBE Participation Submittal)

**CHECK ONE, AND ONLY ONE, BOX. FAILURE TO COMPLY WILL RESULT IN REJECTION OF YOUR BID/PROPOSAL.**

*Click on bold titles to navigate to that specific page.*

**I agree to meet the VBE participation goal in full.**

I have completed and am submitting with my bid or proposal an **VBE Utilization Schedule (VBE-3)**, which is required in order to be considered for award.

**I am requesting a partial waiver of the VBE participation goal.**

After making good faith outreach efforts as more fully described in the **Guidance for Documenting Good Faith Efforts to Meet the VBE Participation Goal**, I am unable to achieve the total VBE participation goal for this solicitation and am requesting a partial waiver of the VBE participation goal.

I have completed and am submitting with my bid or proposal both of the following, which are required in order to be considered for award:

1. an **VBE Utilization Schedule (VBE-3)** for that portion of the VBE participation goal that I will meet; AND
2. a **Good Faith Efforts Waiver Request** for the portion of the VBE participation goals that I am unable to meet.

**I am requesting a full waiver of the VBE participation goal**

After making good faith outreach efforts as more fully described in the **Guidance for Documenting Good Faith Efforts to Meet the VBE Participation Goal**, I am unable to achieve any part of the VBE participation goal for this solicitation and am requesting a full waiver of the VBE participation goal.

I have completed and am submitting with my bid or proposal a **Good Faith Efforts Waiver Request** for the complete VBE participation goal, which is required in order to be considered for award.

NOTE: VBE primes who are submitting as bidders or offerors must complete an **VBE Utilization Schedule (VBE-3)** identifying any self-performance towards the VBE participation goal.

**VBE-3  
VBE UTILIZATION SCHEDULE**

List in the chart below VBEs (including where applicable a prime bidder or offeror is self-performing a portion of the work) that will be used to meet the VBE participation goal (add additional pages if necessary). Submit a **Letter of Commitment (VBE-3.1)** for each VBE subcontractor, supplier, or manufacturer (add additional Letters of Commitment as necessary).

VBE Name SAP Vendor Number (6-digit number provided by VBE) VBE Verification Number (located on DGS VBE verification)	Type of VBE (check all that apply)	Description of Work to be Performed (Statement of Work/Specification reference)	% Commitment (or % of work to be self-performed by VBE bidder/offeror)	Dollar Value of Commitment (after applying any calculation per VBE-1, Section IV, Calculating VBE participation)
Name: <u>ABC IT Solutions</u> SAP Vendor Number: <u>123456</u> VBE Verification Number: <u>123456-2016-09-SB-M</u>	MBE	IT staffing resources	%	\$
Name: SAP Vendor Number: VBE Verification Number:	<input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		%	
Name: SAP Vendor Number: VBE Verification Number:	<input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		%	
Name: SAP Vendor Number: VBE Verification Number:	<input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		%	
Name: SAP Vendor Number: VBE Verification Number:	<input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		%	
Attach additional sheets if necessary			Total % VBE commitment: <u>0</u>	Total \$ amount: <u>0</u>

**VBE-3.1  
LETTER OF COMMITMENT**

This Letter of Commitment serves as confirmation of the commitment by the prime Bidder or Offeror to utilize the Veteran Business Enterprise (VBE) on the below-referenced Solicitation/Project.

Solicitation Number: \_\_\_\_\_

Solicitation Name: \_\_\_\_\_

	Bidder/Offeror Information	VBE Information
Name		
Address		
Point of Contact		
Telephone number		
Email address		

Services/Supplies and Time Frame. If Bidder/Offeror is the successful vendor, the VBE shall perform or provide the following services or supplies during the term of the prime contract, as more specifically set forth below:

Services or supplies the VBE will provide:	
Specific Time Frame the VBE will provide the services or supplies:	

Dollar Value of Commitment. These services or supplies represent \$ \_\_\_\_\_ for the term of the contract.

VBE verified. By signing below, the VBE represents that it meets the VBE requirements set forth in the Solicitation and all required documentation has been provided to the Bidder/Offeror for its VBE submission.

Sincerely,

Acknowledged

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature  
Bidder/Offeror Point of Contact Name

\_\_\_\_\_  
Signature  
VBE Point of Contact Name

*\* For purposes of monitoring compliance with SDB and VBE commitments, the work performed by a firm that is both an SDB and a VBE will be counted by BDISBO towards fulfilling both the SDB and VBE commitments unless otherwise agreed to by the parties in writing and approved by BDISBO and the Issuing Office.*

**VBE-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE  
VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION GOAL**

*Bidders/Offerors do not need to return VBE-4 with their VBE Participation Submittal*

In order for its bid or proposal to be responsive, the Bidder or Offeror must either (1) meet the VBE participation goal and document its commitments for participation of VBE firms, or (2) when it does not meet the VBE participation goal, submit a Good Faith Efforts waiver request as set forth in Section IV below and the **Good Faith Efforts Documentation to Support Waiver Request (VBE-5)** of the VBE Participation Goal.

## **I. Definitions**

**Good Faith Efforts** - The “Good Faith Efforts” requirement means that when requesting a waiver, the Offeror must demonstrate that it took all necessary and reasonable steps to achieve the VBE participation goal. Those steps are considered necessary and reasonable when their scope, intensity, and relevance could reasonably be expected to obtain sufficient VBE participation, even if those steps were not fully successful. The Issuing Agency and Department of General Services’ Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) will determine whether or not the Offeror requesting a Good Faith Efforts waiver made adequate Good Faith Efforts by considering the quality, quantity, and intensity of the Offeror’s efforts. Mere *pro forma* efforts are not Good Faith Efforts to meet the VBE participation requirements. The determination concerning the sufficiency of the Offeror's Good Faith Efforts is subjective; meeting quantitative formulas is not required.

**Identified Items of Work** – all reasonably identifiable subcontractable work opportunities under a resulting contract for performance by subcontractors. If applicable for the procurement, offerors may also include manufacturing and the provision of supplies by stocking suppliers or nonstocking suppliers as Identified Items of Work.

**Identified VBEs**– all of the VBEs the Offeror has identified as available to perform the Identified Items of Work and should include all DGS-verified VBEs that are reasonably identifiable.

**Offeror** – for purposes of this **Good Faith Efforts Documentation to Support Waiver Request**, the term “Offeror” includes any entity responding to a solicitation, including invitations for bids, requests for proposals, and other types of best value solicitations.

**VBE** – “VBE” refers to Veteran-Owned Small Business Enterprises and Service-Disabled Veteran-Owned Small Business Enterprises verified by BDISBO.

**VBE participation goal** – “VBE participation goal” refers to the VBE participation goal set for a procurement for Veteran-Owned Small Business Enterprise and Service-Disabled Veteran-Owned Small Business Enterprise utilization.

## **II. Types of Actions Agency and BDISBO will Consider**

The following is a list of types of actions the procuring agency and BDISBO will consider as part of the Offeror's Good Faith Efforts when the Offeror is unable to meet, in full, the VBE

**VBE-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE  
VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION GOAL**

participation goal. This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

**A. Identify Proposal Items as Work for VBEs**

1. Identified Items of Work

- (a) Offerors should reasonably identify sufficient items of work to be performed by VBEs.
- (b) Where appropriate, Offerors should break out contract work items into economically feasible units to facilitate VBE participation, rather than perform these work items with their own forces. **The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the Offeror of the responsibility to make Good Faith Efforts to meet the VBE participation goal.**

**B. Identify VBEs to Solicit**

1. Identified VBEs

- (a) Offerors must reasonably identify the VBEs that are available to perform the Identified Items of Work.
- (b) Any VBEs identified as available by the Offeror should be certified to perform the Identified Items of Work.

**C. Solicit VBEs**

- 1. Offerors must solicit a reasonable number of identified VBEs for all Identified Items of Work by providing written notice. The Offeror must:
  - (a) provide the written solicitation to the Identified VBEs at least 10 days prior to Bid or Proposal due date to allow sufficient time for the Identified VBE to respond;
  - (b) send the written solicitation by first-class mail, facsimile, or e-mail using contact information in the BDISBO Directory, unless the Offeror has a valid basis for using different contact information; and
  - (c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the Identified VBE, and other requirements of the contract to assist Identified VBEs in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

#### VBE-4

### **GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION GOAL**

2. “All” Identified VBEs includes any VBE Firms the Offeror identifies as potentially available to perform the Identified Items of Work, but it does not include Identified VBEs who are no longer certified to perform the work as of the date the Offeror provides written solicitations.
3. “Electronic Means” includes, for example, information provided *via* a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested VBE cannot access the information provided by electronic means, the Offeror must make the information available in a manner that is accessible to the interested VBE.
4. Offerors must follow up on initial written solicitations by contacting Identified VBEs to determine their interest in bidding. The follow up contact may be made:
  - (a) by telephone using the contact information in BDISBO’s Directory, unless the Offeror has a valid basis for using different contact information; or
  - (b) in writing *via* a method that differs from the method used for the initial written solicitation.
5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, offerors must use all other reasonable and available means to solicit the interest of Identified VBEs certified to perform the work of the contract. Examples of other means include:
  - (a) attending any Supplier Forums, or Pre-Proposal or Pre-Bid conferences at which VBEs could be informed of contracting and subcontracting opportunities; and
  - (b) if recommended by the procurement, advertising with or effectively using the services of at least two veteran-focused entities or media, including trade associations, veteran community organizations, veteran contractors' groups, and local, state, and federal veteran business assistance offices.

#### **D. Negotiate with Interested VBEs**

Offerors must negotiate in good faith with interested VBEs.

1. Evidence of negotiation includes, without limitation, the following:
  - (a) the names, addresses, and telephone numbers of VBEs that were considered;
  - (b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and



#### VBE-4

### GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION GOAL

- (c) evidence as to why additional agreements could not be reached for VBEs to perform the work.
2. In negotiating with subcontractors, the offeror should consider a subcontractor's price and capabilities as well as the VBE participation goal.
3. Additional costs incurred in finding and using VBEs are not sufficient justification for the Offeror's failure to meet the VBE participation goal, as long as such costs are reasonable. Factors to take into consideration when determining whether an VBE's quote is excessive or unreasonable include, without limitation, the following:
  - (a) dollar difference between the VBE subcontractor's quote and the average of other subcontractors' quotes received by the Offeror;
  - (b) percentage difference between the VBE subcontractor's quote and the average of other subcontractors' quotes received by the Offeror;
  - (c) percentage that the VBE subcontractor's quote represents of the total contract cost;
  - (d) whether the work described in the VBE and Non-VBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and
  - (e) number of quotes received by the Offeror for that portion of the work.
4. The factors in paragraph 3 above are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.
5. The Offeror may not use its price for self-performing work as a basis for rejecting an VBE's quote as excessive or unreasonable.
6. The "average of the other subcontractors' quotes received" by the Offeror refers to the average of the quotes received from all subcontractors. Offeror should attempt to receive quotes from at least three subcontractors, including one quote from an VBE and one quote from a non-VBE.
7. The Offeror shall not reject an VBE as unqualified without sound justification based on a thorough investigation of the VBE's capabilities. For each VBE that is rejected as unqualified or that placed a subcontract quotation or offer that the Offeror concludes is not acceptable, the Offeror must provide a written detailed statement outlining the justification for its conclusion. The Offeror also must document the steps taken to verify the capabilities of the VBE and non-VBE Firms quoting similar work.

## VBE-4

### GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION GOAL

- (a) The factors to take into consideration when assessing the capabilities of an VBE include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.
- (b) The VBE's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of Proposals in the efforts to meet the VBE participation goal.

#### E. Assisting Interested VBES

When appropriate under the circumstances, the procuring agency and BDISBO will consider whether the Offeror made reasonable efforts to assist interested VBES in obtaining:

1. The bonding, lines of credit, or insurance required by the procuring agency or the Offeror; and
2. Necessary equipment, supplies, materials, or related assistance or services.

#### III. Other Considerations

In making a determination of Good Faith Efforts, the procuring agency and BDISBO may consider engineering estimates, catalogue prices, general market availability and availability of certified VBES in the area in which the work is to be performed, other Proposals or offers and subcontract Proposals or offers substantiating significant variances between VBE and non-VBE costs of participation, and their impact on the overall cost of the contract to the Commonwealth and any other relevant factors.

The procuring agency and BDISBO may consider whether the Offeror decided to self-perform potentially subcontractable work with its own forces. The procuring agency and BDISBO also may consider the performance of other Offerors in meeting the VBE participation goal. For example, when the apparent successful Offeror fails to meet the VBE participation goal, but others meet it, this raises the question of whether, with additional reasonable efforts, the apparent successful Offeror could have met the VBE participation goal. If the apparent successful Offeror fails to meet the VBE participation goal but meets or exceeds the average VBE participation obtained by other Offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful Offeror having made Good Faith Efforts.

#### IV. Documenting Good Faith Efforts

At a minimum, the Offeror seeking a Good Faith Efforts waiver of the VBE participation goal or a portion thereof must provide written documentation of its Good Faith Efforts along with its bid or proposal. The written documentation shall include the following:

**VBE-4**  
**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE  
VETERAN BUSINESS ENTERPRISE (VBE) PARTICIPATION GOAL**

**A. Items of Work (complete VBE-5, Part 1 – Identified Items of Work Offeror Made Available to VBEs)**

A detailed statement of the efforts made to select portions of the contract work proposed to be performed by VBEs in order to increase the likelihood of achieving the VBE participation goal.

**B. Outreach/Solicitation/Negotiation**

1. A detailed statement of the efforts made to contact and negotiate with VBEs including:
  - (a) the names, addresses, and telephone numbers of the VBEs who were contacted, with the dates and manner of contacts (letter, fax, e-mail, telephone, etc.) **(complete VBE-5, Part 2 – Identified VBE Firms and Records of Solicitations. Include letters, fax cover sheets, e-mails, etc. documenting solicitations);** and
  - (b) a description of the information provided to VBEs regarding the plans, specifications, and anticipated time schedule for portions of the contract work to be performed and the means used to provide that information.
2. The record of the Offeror's compliance with the outreach efforts set forth in **VBE-5, Part 3 - Outreach Efforts Compliance Statement.**

**C. Rejected VBEs (complete VBE-5, Part 4 - Additional Information Regarding Rejected VBE Quotes)**

1. For each VBE that the Offeror concludes is not acceptable or qualified, provide a detailed statement of the reasons for this conclusion, including the steps taken to verify the capabilities of the VBE and non-VBE firms quoting similar work.
2. For each VBE that the Offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the Offeror's conclusion, including the quotes received from all VBE and non-VBE firms proposing on the same or comparable work. **(Include copies of all quotes received.)**

**D. Unavailable VBEs (complete VBE-5, Part 5 – VBE Subcontractor Unavailability Certificate)**

1. **For each VBE that the Offeror contacted but found to be unavailable, submit an VBE Subcontractor Unavailability Certificate** signed by the VBE, an email from the VBE indicating the VBE is unavailable, or a statement from the Offeror that the VBE refused to sign the VBE Subcontractor Unavailability Certificate.

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**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE  
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**E. Other Documentation**

1. Submit any other documentation requested by BDISBO or the Procuring Agency to ascertain the Offeror's Good Faith Efforts.
2. Submit any other documentation the Offeror believes will help BDISBO or the Procuring Agency ascertain its Good Faith Efforts.

**VBE-5**

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF VBE PARTICIPATION GOAL**

<b>Project Description:</b>	
<b>Commonwealth Agency Name:</b>	
<b>Solicitation #:</b>	
<b>Solicitation Due Date and Time:</b>	

<b>Bidder/Offeror Company Name:</b>	
<b>Bidder/Offeror Contact Name:</b>	
<b>Bidder/Offeror Contact Email:</b>	
<b>Bidder/Offeror Contact Phone Number:</b>	

**Part 1 – Identified Items of Work Offeror Made Available to VBES**

Identify those items of contract work that the Offeror made available to VBES. This includes, where appropriate, those items the Offeror identified and subdivided into economically feasible units to facilitate the VBE participation. For each item listed, show the anticipated percentage of the total contract cost. Offeror must demonstrate that enough work to meet the VBE participation goal was made available to VBES, and the total percentage of the items of work identified for VBE participation met or exceeded the VBE participation goal set for the procurement.

Identified Items of Work	Was this work listed in the solicitation?	Does Offeror normally self-perform this work?	Was this work made available to VBE Firms? If not, explain why.
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Attach additional sheets if necessary.

**VBE-5**

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF VBE PARTICIPATION GOAL**

**Part 2 – Identified VBEs and Record of Solicitations**

Identify the VBEs solicited to provide quotes for the Identified Items of Work made available for VBE participation. Include the name of the VBE solicited, items of work for which quotes were solicited, date and manner of initial and follow-up solicitations, whether the VBE provided a quote, and whether the VBE is being used toward meeting the VBE participation goal. VBEs used to meet the VBE participation goal must be listed on the VBE Utilization Schedule (VBE-2).

Note: Copies of all written solicitations and documentation of follow-up calls to VBEs must be attached to this form. For each Identified VBE listed below, Offeror should submit an VBE Subcontractor Unavailability Certificate signed by the VBE or a statement from the Offeror that the VBE refused to sign the VBE Subcontractor Unavailability Certificate.

Name of Identified VBE and Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Received?	Quote Used?	Reason Quote Rejected
VBE Name:  <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date and Time of Call:  Spoke with:  Left Message:	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> Used other VBE <input type="checkbox"/> Used non-VBE <input type="checkbox"/> Self performing
VBE Name:  <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date:  <input type="checkbox"/> mail <input type="checkbox"/> email <input type="checkbox"/> fax	Date and Time of Call:  Spoke with:  Left Message:	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> Used other VBE <input type="checkbox"/> Used non-VBE <input type="checkbox"/> Self performing

Attach additional sheets as necessary.

**VBE-5**  
**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF**  
**VBE PARTICIPATION GOAL**

**Part 3 – VBE Outreach Compliance Statement**

- 1. List the Identified Items of Work for subcontracting opportunities for the solicitation along with specific work categories:**

- 2. Attach to this form copies of written solicitations (with Bid or Proposal instructions) used to solicit Identified VBEs for these subcontract opportunities.**

- 3. Offeror made the following attempts to contact the Identified VBEs:**

- 4. Bonding Requirements (Please Check One):**

This project does not involve bonding requirements.

Offeror assisted Identified VBEs to fulfill or seek waiver of bonding requirements.  
(DESCRIBE EFFORTS):

- 5. Pre-Bid/Proposal Conference or Supplier Forum (Please Check One):**

Offeror did attend the pre-Bid/Proposal conference or Supplier Forum

No pre-Bid/Proposal conference or Supplier Forum was held

Offeror did not attend the pre-Bid/Proposal conference or Supplier Forum

VBE-5

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF VBE PARTICIPATION GOAL

Part 4 – Additional Information Regarding Rejected VBE Quotes

This form must be completed if Part 2 indicates that an VBE quote was rejected because the Offeror is using a non-VBE or is self-performing the Identified Items of Work. List the Identified Items of Work, state whether the work will be self-performed or performed by a non-VBE, and if applicable, state the name of the non-VBE firm. Also include the names of all VBEs and non-VBE firms that provided a quote and the amount of each quote.

Describe Identified Items of Work not being performed by VBEs (include specific section from bid or proposal)	Self-performing or using non-VBE (provide name of non-VBE if applicable)	Amount of non-VBE quote \$	Name of other firms that provided quotes and whether they are VBE	Amount quoted \$	Reason why VBE quote was rejected along with brief explanation
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-VBE Name:		<input type="checkbox"/> VBE <input type="checkbox"/> Non-VBE Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-VBE Name:		<input type="checkbox"/> VBE <input type="checkbox"/> Non-VBE Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-VBE Name:		<input type="checkbox"/> VBE <input type="checkbox"/> Non-VBE Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-VBE Name:		<input type="checkbox"/> VBE <input type="checkbox"/> Non-VBE Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using Non-VBE Name:		<input type="checkbox"/> VBE <input type="checkbox"/> Non-VBE Name:		<input type="checkbox"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other

Attach additional sheets as necessary.



**VBE-5**  
**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST OF**  
**VBE PARTICIPATION GOAL**

**Part 5 – VBE Subcontractor Unavailability Certificate**

1. It is hereby certified that the firm of \_\_\_\_\_  
(Name of VBE)

located at \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. \_\_\_\_\_

by \_\_\_\_\_  
(Name of Prime Contractor's Firm)

\*\*\*\*\*

2. \_\_\_\_\_ (VBE), is either unavailable for the work/service or unable to prepare a Proposal for this project for the following reason(s):

\_\_\_\_\_  
(Signature of VBE's Representative) (Title) (Date)

\_\_\_\_\_  
(DGS VBE Certification #) (Telephone #)

\*\*\*\*\*

3. If the VBE does not complete this form, the prime contractor must complete the following:

To the best of my knowledge and belief, the above-listed VBE is either unavailable for the work/service for this project, is unable to prepare a Proposal, or did not respond to a request for a price Proposal and has not completed the above portion of this submittal.

\_\_\_\_\_  
(Signature of Bidder/Offeror) (Title) (Date)

## TECHNICAL SPECIFICATIONS

The following stipulations, specifications and description of Work are defined and described as Technical Specifications and it is understood and agreed that everything herein contained is hereby made part of the Contract. Wherever any feature of the Work is not fully set forth in these Technical Specifications and is necessary for the completion of Work, it shall be understood that the same is governed by the rules of the best prevailing practice for that class of Work, as determined by the Pennsylvania Game Commission and its representatives.

These Technical Specifications and any drawings, maps and/or plans forming a part thereof, will cover the furnishing of all labor, equipment, tools, materials, and related items necessary to perform the Work, as required under this Contract.

- Section 1 – Summary of Work
- Section 2 – E&S Control
- Section 3 – Clearing
- Section 4 – Remove or Salvage Existing Pipes
- Section 5 – Plastic Pipe
- Section 6 – Pipe Bedding and Backfill
- Section 7 – Precast Concrete Headwalls
- Section 8 – Riprap Splash Pads
- Section 9 – Riprap Slope Protection
- Section 10 – Road Surface Preparation
- Section 11 – Road Construction
- Section 12 – Drainage Work
- Section 13 – Seeding

## DRAWINGS

The following drawings are included:

- 1 of 2 - Location Map, Site Sketch Plan and Notes
- 2 of 2 – Road Sections
- 3 of 3 – Drainage Details

**TECHNICAL SPECIFICATION SECTION 1 - SUMMARY OF WORK**

**1.1 – SCOPE OF PROJECT**

This project involves the maintenance of 39,012-foot (7.39-miles) long section on Railroad Grade Road on State Game Lands (SGL) #211. The project includes grading, pipe installation, road base construction, stone surfacing and related work.

**1.2 – WORK AREA**

SGL #211 is located in central Dauphin County and northern Lebanon County. The east end of the project site is located 0.25-miles west of Gold Mine Road (SR 4025) in Cold Spring Township, Lebanon County. The project stretches 7.39-miles west along Stony Creek valley.

The site is owned by the Pennsylvania Game Commission (PGC).

**1.3 – WORK HOURS**

The work hours at the project site are during regular PGC business hours which are Monday through Friday, 7:45AM to 4:00PM. Work during different hours must have prior written approval by the PGC. Requests for different working hours must be submitted in writing three days in advance.

This project is on state game lands; work is prohibited the following days.

- a. All Saturdays in the months of October, November and December
- b. All the days of the statewide bear season
- c. The entire two weeks of the general firearms deer season
- d. The opening day of the flintlock muzzleloader season
- e. The opening day and all Saturdays during Spring turkey season including youth Spring gobbler

**1.4 – ACCESS TO WORK AREA**

Access to the project site and staging of equipment and materials shall be coordinated with the PGC. The Contractor shall keep access roads leading to the project site open for use by the PGC and the public. The Contractor is required to repair any ruts or other damage to the access roads and parking areas caused by construction equipment.

The work area is on an existing PGC road. The work area can be accessed from an existing stone surface road on the east end (Gold Mine Road) only.

**1.5 – CONTROL OF WORK AREA**

Coordinate with PGC staff for access and control of work areas. Provide barricades, signs and other devices as needed to prevent unauthorized access to work areas until construction activities are completed and parking areas are opened for public use.

Do not block public roads at any time during construction. If necessary, provide temporary Maintenance and Control of Traffic in accordance with PennDOT Pub. 213 Temporary Traffic Control Guidelines and related PennDOT references.

### **1.6 – PERMITS, LAWS AND REGULATIONS**

The Contractor shall procure and pay for all permits, licenses, inspections, conveniences, or other approvals necessary for the execution of the contract. The PGC is not aware of any permits required for this project.

The Contractor shall comply with all laws, ordinances, rules, orders and regulations relating to the performance of the work, the protection of adjacent property, the maintaining of surface passageways, guard fences, and/or other protective facilities.

All applicable Federal and State laws and regulations, municipal ordinances and rules and regulations of all authorities, having jurisdiction over construction of the project shall apply to the contract throughout, and they shall be deemed to be included in the contract as a part, thereof, the same as though herein written out in full.

All regulations of the Occupational Safety and Health Act are in effect on this contract. It will be the Contractor's responsibility to make himself aware of all appropriate County, State and Federal regulations that apply to this contract.

Any violations incurred from improper execution of the above provisions shall be paid for by the Contractor. Loss of time on the project from such violations will not be tolerated.

### **1.7 – ROAD PERMITS AND BONDING**

The Contractor shall coordinate, acquire, pay for, and maintain for the duration of the project any and all permits or bonds required by local municipalities and/or PennDOT to utilize public roads and infrastructure for heavy hauling and related construction activities. Responsibilities shall include any pre or post construction inspections and related reports if required. All costs related to permitting and bonding public roadways and infrastructure shall be included with and incidental to the Bid submitted by the Contractor and will not be paid for separately.

### **1.8 – PROJECT LAYOUT**

The project has a stationed layout listed in Section 11 of the Technical Specifications. Features of the road design can be located using stations of existing features. The PGC may also provide some stakes with station markings to further assist in project layout.

The PGC will have a representative at the work site for some days during construction. This representative will serve as a construction inspector checking the work including confirming the contractor's layout of project features.

**TECHNICAL SPECIFICATION SECTION 2 - EROSION AND  
SEDIMENTATION CONTROL**

**2.1 -SCOPE**

This work is implementing the erosion and sedimentation control measures during project construction. Compliance with Chapter 102 of the Department of Environmental Protection's regulations is also required.

**2.2 - PROCEDURE**

Implement the measures listed below to alleviate excessive erosion and sedimentation caused by construction methods or equipment.

Failure to implement soil erosion and sediment pollution control measures may result in a cease and desist order, causing shutdown of the work. No extension of time, nor additional compensation will be granted if such a shutdown should occur as a result of act or neglect of the Contractor.

Installation of new culverts must be accomplished under "no-flow" conditions. Installation of pipes must be accomplished the same day and the new culverts must be completely installed with the proper headwalls to prevent erosion.

Immediately upon completion of any segment of the project, seed that segment in accordance with Technical Specification Section 13. The Contractor may, with the approval of the Game Commission, perform temporary seeding operations in order to maintain finished graded areas until the optimum time for performing permanent seeding.

Periodically remove accumulated sediments from control measures and dispose of in suitable work areas.

**2.3 - MEASUREMENT AND PAYMENT**

None, costs are incidental to the other work performed.

**TECHNICAL SPECIFICATION SECTION 3 – CLEARING**

**3.1 -SCOPE**

This work is minor trimming of overhanging limbs and branches along the road alignment.

**3.2 - PROCEDURE**

Trim limbs and branches that overhang the roadway and would interfere with the safe passage of construction vehicles. Trim limbs, branches and brush that would interfere with work at drainage pipes. Stockpile the trimmed limbs and branches in an on-site area and in a manner designated and approved by the PGC. Burning is not permitted.

**3.3 - MEASUREMENT AND PAYMENT**

Lump Sum.

**TECHNICAL SPECIFICATION SECTION NO. 4 – REMOVE OR SALVAGE EXISTING PIPES**

**4.1 - SCOPE**

This work is removing, salvaging and disposing of the existing drainage pipes under the road.

**4.2 - PROCEDURE**

Refer to the project layout in Section 11 of the Technical Specifications for the station locations for pipes to be removed or salvaged. The Contractor must contact PA 1 Call (Dial 811) before excavation for pipe removal and salvage operations begin.

It is required that the pipe removal operations be conducted when there is no water flowing in the drainage channels. Excavate around the existing pipes so that they can be safely removed. Limit the excavation to only what is necessary for pipe removal and for installation of the new drainage pipes. Backfill of excavation beyond the 12-inch limits for the new pipe foundation bedding will not be measured or paid for.

Remove the existing pipes in one complete piece or cut into sections. Transport the old pipe sections off the site; there will be no disposal of removed pipe on state game lands. The removed pipe is to be considered property of the Contractor; you are encouraged to reuse good sections of pipe on other projects or recycle the materials.

Carefully excavate around and remove pipes to be salvaged so that the pipe is not damaged. Stockpile the salvaged pipes along the road in an area designated by the PA Game Commission

Material excavated for pipe removal is not to be used for backfill of the new pipes. Excess material is to be graded into the road-sides to improve the shoulders of the road or used as road base material.

**4.3 - MEASUREMENT AND PAYMENT**

Each; regardless of size, type and length of pipe for pipe removal. Each; regardless of size, type and length for pipe salvage. No separate measurement or payment for excavation.

## **TECHNICAL SPECIFICATION SECTION 5 – PLASTIC PIPE**

### **5.1 -SCOPE**

This work is furnishing and installing drainage pipes under the roadway. Refer to project layout in Section 11.2 of the Technical Specifications for the pipe locations.

### **5.2 – MATERIALS**

The plastic pipe shall be 24-inch diameter corrugated polyethylene with smooth interior conforming to AASHTO M 294, Type S.

### **5.3 - PROCEDURE**

Clear any rocks or vegetation from the area that would interfere with installation of the new pipes. Excavate a trench according to the dimensions shown on the Drawings.

Prepare the bedding area for the pipe and install so that a positive drainage slope in the pipe is obtained. Under the new roadway, backfill the entire trench with 2RC select granular material as shown on the Drawings. On road shoulders, backfill over the pipe with excavated material. Do not allow stones greater than 3-inches to come in contact with the pipe. Do not allow equipment to cross over the pipe until at least one foot of cover is obtained over the top of the pipe. All pipes must have a minimum 12-inches of cover.

Install precast concrete headwalls on both ends of the pipes. Refer to Section 7 of these Technical Specifications and the drawings for construction of the headwalls. Place riprap splash pads on both ends of the pipes. Perform minor grading operations on both ends of the new pipes so that proper flow patterns are established.

Perform additional grading operations in drainage channels leading to the drainage pipes. Remove any blockages from the drainage channels to ensure that storm drainage flows to the inlets of the drainage pipes.

### **5.4 - MEASUREMENT AND PAYMENT**

Linear feet for each diameter of pipe. No separate measurement or payment for coupling or joining pipe sections. No separate measurement or payment for excavation and grading operations associated with pipe installation. No separate measurement or payment for grading operations in the drainage channels.



**TECHNICAL SPECIFICATION SECTION NO. 6 – PIPE BEDDING & BACKFILL**

**6.1 - SCOPE**

This work is constructing a foundation bed and backfilling the drainage pipes as shown on the Drawings.

**6.2 - APPLICABLE PUBLICATIONS**

AASHTO T 27 - Standard Method of Test for Sieve Analysis of Fine and Coarse Aggregates.

Pub. 408 - Specifications,  
Pennsylvania Department of Transportation.

Bulletin 14 - Aggregate Producers,  
Pennsylvania Department of Transportation.

**6.3 - MATERIALS**

Aggregate used for constructing the foundation bed and backfilling drainage pipes shall be 2RC select granular material, as specified in Section 703.3 of Pub. 408.

Obtain aggregates from a source listed in Bulletin 14.

**6.4 - PROCEDURE**

Excavate the trenches to the dimensions shown on the drawings for installation of the new pipe culverts. Place stone in the dry, and not on frozen ground for foundation bedding of the new drainage pipes.

Place the stone in layers and shape the stone to conform to the pipe shape. Place the pipe and compact around the pipe to remove any voids in the stone. Compaction of the stone shall be considered satisfactory on the basis of non-movement of the materials under compaction equipment. Compact the stone to provide a firm base for road surfacing operations.

**6.5 - MEASUREMENT AND PAYMENT**

Cubic yards, measured by the three-dimensional volume method.

Aggregate used for replacing caved-in-material, and material excavated beyond the established payment lines will not be measured and paid for.

**TECHNICAL SPECIFICATION SECTION NO. 7 – PRECAST CONCRETE HEADWALLS**

**7.1 - SCOPE**

This work is installing precast concrete headwalls for the drainage pipes as shown on the Drawings.

**7.2 - MATERIALS**

The precast concrete headwalls shall be single piece units with the following characteristics;

1. Concrete – 4,000 psi at 28 days with 5.5% air entrainment.
2. Reinforcement – ASTM 615, grade 60 with minimum cover of 1-1/2 inches.
3. All exposed edges are chamfered at 1-inch.
4. Materials and construction to comply with the applicable portions PennDOT Publication 408.
5. Layout and dimensions to be comparable to the attached drawings with minimum 12-inch thick walls with an integral footer.

**7.3 - PROCEDURE**

Excavate the trench for the new drainage pipe at the proper location. Prepare the subgrade for the headwalls on both ends of the excavated trench. Place the precast concrete headwalls on the subgrade. The PGC recommend placing a small amount of #2A coarse aggregate on the subgrade so that the headwalls can be placed level and stable. Make sure that the headwalls are placed at the proper elevations so that a minimum slope of 6-inches per 20-feet is achieved in the drainage pipes. The top of the headwalls must be flush with the existing ground (not higher).

The corrugations on the ends of the pipes can be removed to obtain proper fit inside the precast concrete headwalls. Insert the drainage pipes in the headwalls. Complete the backfill of the drainage pipes to lock them in place. Grout any voids around the pipes. Use a non-shrink grout with a minimum compressive strength of 4,000 psi.

**7.4 - MEASUREMENT AND PAYMENT**

Each for each size of pipe.

**TECHNICAL SPECIFICATION SECTION NO. 8 – RIPRAP SPLASH PADS**

**8.1 - SCOPE**

This work is installing riprap splash pads at the inlets and outlets of the drainage pipes.

**8.2 – MATERIALS**

**A. R-5 Riprap** – Rock for R-5 riprap shall be durable quality stone conforming to the requirements of Section 850.2a of PennDOT Pub. 408. Obtain the riprap from a source listed in PennDOT Bulletin 14.

**B. Geotextile** – The geotextile shall be Class2, Type A geotextile conforming to the requirements of Section 735 of PennDOT Pub. 408. Obtain the geotextile from a source listed in PennDOT Bulletin 15.

**8.3 - PROCEDURE**

Conduct riprap placement operations in the dry. Install the drainage pipes and precast concrete headwalls before placing riprap. Excavate, shape and grade the area to assist with proper placement of the geotextile and riprap if necessary. Place the geotextile across the bottom and up the sides of the prepared area. Secure the geotextile if necessary. Place riprap on top of the geotextile carefully so that the fabric is not punctured. Rearrange the individual stones so that the thickness of the placement is 12-inches. Chink voids in the riprap with smaller stones.

**8.4 - MEASUREMENT AND PAYMENT**

Cubic yards, measured by the three- dimensional volume method. No separate measurement or payment for excavation or geotextile.

**TECHNICAL SPECIFICATION SECTION NO. 9 – RIPRAP SLOPE PROTECTION**

**9.1 - SCOPE**

This work is installing riprap slope protection at the inlets and outlets of the drainage pipes.

**9.2 – MATERIALS**

**R-5 Riprap** – Rock for R-5 riprap shall be durable quality stone conforming to the requirements of Section 850.2a of PennDOT Pub. 408. Obtain the riprap from a source listed in PennDOT Bulletin 14.

**9.3 - PROCEDURE**

Conduct riprap placement operations in the dry. Install the drainage pipes and precast concrete headwalls before placing riprap. Excavate, shape and grade the area to assist with proper placement of the riprap if necessary. Place riprap on top of the prepared ground surface. Rearrange the individual stones so that the thickness of the placement is 12-inches. Chink voids in the riprap with smaller stones. Feather the riprap stones to meet the existing contours on both sides of the pipe ends. Make sure that drainage can enter the pipe inlets after placing the riprap. The PGC estimates that 5 tons of riprap will be needed at each end of the drainage pipes.

**9.4 - MEASUREMENT AND PAYMENT**

Tons. No separate measurement or payment for earthwork.

**TECHNICAL SPECIFICATION SECTION NO. 10 – ROAD SURFACE PREPARATION**

**10.1- SCOPE**

This work is preparing the road surface by removing leaf litter and scarifying as shown on the Drawings.

**10.2 - PROCEDURE**

**A. General** – All work in this section should be coordinated to provide the designed features of the new road surface. These features include the center crown road shape, road widths, drainage improvements and other grading required to connect to existing drainage features.

The road surface preparation shall be 12-feet wide centered on the existing roadway.

**B. Removing Leaf Litter and Debris** – Remove the leaf litter and other forest debris from the surface of the road. Blow the material off the roadway and down the embankments. Knock down and grade off any high spots along the edges of the road embankment so that drainage is not trapped against the edges of the new road.

**C. Scarifying** – After removing the leaf litter and debris from the road, scarify the surface of the existing road to a depth of two inches to obtain material for grading and shaping the road. Use a carbide tipped “stinger” blade to scarify the existing road surface.

**D. Grading and Compacting** – Grade and smooth the scarified material to provide an even surface for placement of the road base material. A 120 to 150 hp motor grader with a 12’ moldboard should be used for this work. Compact the scarified material with a single drum smooth roller (vibratory, 10-ton min.). One pass with the roller is sufficient.

**10.3 - MEASUREMENT AND PAYMENT**

Square yards, measured by the two-dimensional area method for the length of the road section at the specified width.

**TECHNICAL SPECIFICATION SECTION NO. 11 – ROAD CONSTRUCTION**

**11.1 - SCOPE**

This work is constructing the new road surface on the existing alignment with a base layer of material and a surface layer of #2A coarse aggregate as shown on the Drawings.

**11.2 – PROJECT LAYOUT**

This section of Railroad Grade Road is 39,012-feet (7.39-miles) long. The west end of the road section is at the end of an existing cut section (Sta. 509+15). The east end of the road section is at the PGC Gate 211-90 (Sta. 899+27) just west of Gold Mine Road. All new drainage pipes are 20-feet long. Precast concrete headwalls are to be placed on the upstream and downstream ends of new and existing pipes designated to remain.

**509+15 – WEST END OF PROJECT. Start 6-inch road base.**

**522+39 – Install new 24-inch plastic pipe. End 6-inch road base; start 12-inch road base.**

**527+51 – Salvage existing 15-inch plastic pipe. Install new 24-inch plastic pipe.**

**528+76 – Existing stone box culvert to remain.**

**531+48 – Remove existing steel pipe. Install new 24-inch plastic pipe.**

**534+93 – Remove existing stone box culvert. Install new 24-inch plastic pipe.**

**537+76 – Remove existing cast iron pipe. Install new 24-inch plastic pipe.**

**541+57 – Remove existing cast iron pipe. Install new 24-inch plastic pipe.**

**542+99 – Install new 24-inch plastic pipe. End 12-inch base; start 6-inch base.**

**550+84 – Salvage existing 15-inch plastic pipe. Install new 24-inch plastic pipe. End 6-inch base; start 12-inch base.**

**562+93 – End 12-inch base; start 6-inch base.**

**572+31 – Remove existing steel pipe. Install new 24-inch plastic pipe.**

**599+78 – Intersection with Cold Spring Road to the south side of road.**

**617+94 – Salvage 15-inch plastic pipe; install new 24-inch plastic pipe.**

- 627+42 – Remove existing stone box culvert. Install new 24-inch plastic pipe.**
- 640+16 – Remove existing steel pipe. Install new 24-inch plastic pipe.**
- 650+37 – Salvage existing 15-inch plastic pipe. Install new 24-inch plastic pipe. End 6-inch base; start 12-inch base.**
- 657+23 – End 12-inch base; start 6-inch base.**
- 668+71 – Remove existing cast iron pipe. Install new 24-inch plastic pipe.**
- 711+86 – Appalachian Trail crossing (west).**
- 719+76 – Rausch Creek Bridge.**
- 749+88 – Field 15 road to the south.**
- 764+90 – Gas pipeline crossing.**
- 773+70 – Appalachian Trail crossing (east).**
- 790+10 – Logging road to the south.**
- 818+58 – Logging road to the south.**
- 819+68 – Existing 15-inch plastic pipe to remain; install headwalls.**
- 836+19 – Existing 15-inch plastic pipe to remain; install headwalls.**
- 841+77 – Existing 12-inch plastic pipe to remain; install headwalls.**
- 846+18 – Salvage 12-inch plastic pipe. Install new 24-inch plastic pipe.**
- 846+61 – Logging road to the south.**
- 847+18 – Existing 12-inch plastic pipe to remain; install headwalls.**
- 870+73 – Logging road to the south.**
- 871+57 – Existing 12-inch plastic pipe to remain; install headwalls.**
- 886+95 – Existing 18-inch plastic pipe to remain; install headwalls.**
- 894+17 – Salvage existing 15-inch plastic pipe. Install new 24-inch plastic pipe. Start ditch along north side of road (flows east).**

**894+88 – Road to the south. Start ditch along south side of road (flows east).**

**898+81 – Existing 18-inch plastic pipe to remain; install headwalls. End drainage ditches on north and south sides of road.**

**899+27 – EAST END OF PROJECT. PGC Gate 211-90.**

### **11.3– MATERIALS**

**A.#2A Coarse Aggregate** –The #2A coarse aggregate shall be Type A quality conforming to the requirements of Section 703.2 of PennDOT Pub. 408. Obtain the #2A coarse aggregate from a source approved in PennDOT Bulletin 14. The #2A coarse aggregate must be crushed stone with the following characteristics;

1. pH between 6 and 12.45 measured by ASTM D4972
2. Abrasion resistance with loss of mass (LA Abrasion) less than 40% (ASTM C131).

**B. Road Base Material** – The road base material shall be PennDOT #3A conforming to the requirements of Section 703.2 of PennDOT Pub. 408. Road base material can also be a mixture of AASHTO #3 Stone and #2A coarse aggregate. The mixed material must also conform to the requirements of Section 703.2 of PennDOT Pub. 408.

Obtain the road base material from a source listed in PennDOT Bulletin 14. Representatives from the PGC will visit the quarry to review and approve the road base material. Do not deliver any road base material to the site until the PGC has approved the material and source.

### **11.4 - PROCEDURE**

**A. General** – Complete the pipe installations and drainage work first in conjunction with placement of the road base material.

Place the base material for the full length of the road starting from the west end and progressing east. Placing of the finished stone surface is to begin on the west end of the road and progress toward the east end also. Heavy truck traffic is not allowed on the finished stone surface.

**B. Road Base Material** – Place material for the full width shown on the Drawings in a uniform horizontal layer. Compact the material with tracked equipment or roller. Compaction of the material will be considered adequate based upon non-movement of materials under compaction equipment. Place additional layer(s) to achieve the specified thickness as shown on the Drawings. Place “finer” material on the top surface to allow for easier grading and shaping for placement of the road surface stone. The top surface of the road base material should be graded smooth and even for placement of the stone running surface.



**C. #2A Coarse Aggregate** – Place the #2A coarse aggregate on the prepared surface. The PGC recommends using a paving machine to place the stone to achieve the required center crown shape. Compact the #2A coarse aggregate with a single drum smooth roller (vibratory, 10-ton min.) to a compacted thickness shown in the road cross sections on the Drawings. Maintain the road shapes (center crown or sloping) and profile during placement and compaction operations.

#### **11.5 - MEASUREMENT AND PAYMENT**

**A. General – The quantities for payment are for compacted in-place volumes.**

Payment for the #2A coarse aggregate and road base material will be for the compacted volumes calculated on the dimensions shown on the Drawings, not by loose volumes or tonnage. The Contractor is required to provide copies of all material weigh slips to the PGC for verification and comparison purposes only.

**B. Road Base Material** – Cubic yards, measured by the three-dimensional volume method.

**C. #2A Coarse Aggregate** – Cubic yards, measured by the three-dimensional volume method.

**TECHNICAL SPECIFICATION SECTION 12 – DRAINAGE WORK**

**12.1 -SCOPE**

This work is opening existing drainage ditches along the road.

**12.2 - PROCEDURE**

Trim branches and other vegetation that would interfere with the work. Open existing drainage ditches by removing accumulated material, leaves and debris. Reshape and regrade ditches along the road to ensure that positive flow conditions are achieved through to existing turnouts and new pipes. Stabilize disturbed earth areas in the existing drainage turnouts according to Section 13 of the Technical Specifications.

**12.3 - MEASUREMENT AND PAYMENT**

Lump Sum.

**TECHNICAL SPECIFICATION SECTION NO. 13 – SEEDING**

**13.1 - SCOPE**

This work is securing a satisfactory stand of grass at all disturbed areas along the roadway including the drainage turnouts and includes preparation of the seed bed, furnishing and placing fertilizer, furnishing and sowing of seed, mulching, and maintaining and tending the seeded areas.

**13.2 - MATERIALS**

**A – Seed Mixture** – The seed mixture shall be the following;

- Crimson Clover (5 pounds per acres)
- Ladino or White Clover (5 pounds per acres)
- Oats or Seasonal Wheat (50 pounds per acres)

**B - Fertilizer** - Fertilizer shall conform to the applicable act specified in Section 804.2 of Pub. 408. Use dry formulation of 10-20-20-analysis.

**C - Mulches** – Straw; no paper mulch.

**13.3 - PROCEDURE**

Follow the procedures specified below. The amounts of seed, fertilizer and mulch specified are the minimum acceptable. The Game Commission may, at its own expense, test the soils to determine if any modifications to the seed and soil requirements are necessary. Employ such modifications if they are deemed necessary, at no additional cost to the Game Commission, and accept full responsibility for obtaining a satisfactory stand of grass.

**A - Preparation of Seed Bed by Shallow Tilling** - After the areas to be seeded have been graded and approved by the Game Commission, thoroughly till the surfaces to a depth of 3 inches by raking, harrowing, or other approved means. Apply fertilizer at a rate of 300 Lbs. per acre. Make sure that the fertilizer is worked thoroughly into the soil to a depth of 3 inches and the tillage operations are sufficient to insure that the soil conditions are satisfactory for seeding. Smooth and bring the area to grade. Immediately prior to sowing, rake the soil to a depth of 3/4 inch. Rake in a direction parallel to the contour lines on the slope, and not uphill or downhill. Remove all sticks, stones, weeds, roots, and other objectionable materials appearing on the surface. Maintain the surface in a true and even condition during sowing of seed. The seeded surface must be as smooth as the surrounding grassed area.

**B - Sowing** - Sow the seed mixture on a still day at a rate specified in Section 13.2 of these Technical Specifications. Sow by hand or by approved sowing equipment in 2 applications, one-half the seed while the seeder is traveling in one direction and the other half while the seeder is traveling at right angle to the first direction. After sowing, rake, cultipack, or brush drag the surface very lightly, just deep enough to cover the seeds. Rake only in a direction parallel to the contour lines.

You may use hydroseeding or grain drilling, provided all methods and equipment are approved by the Game Commission. In case of hydroseeding, you may apply fertilizer and limestone at the time of

sowing. In case of grain drilling, you may apply fertilizer at the time of sowing, provided the fertilizer does not come in contact with the seed. Drill only in a direction parallel to the contour lines.

Do not sow seed on frozen or partially frozen ground.

**C - Mulching** - After sowing is completed, spread mulch uniformly over the entire seeded area at a rate of 2 tons (dry weight) per acre. The mulch shall be moist at the time of placement.

On slopes where machinery cannot be used, retain the mulch in place by some suitable means which will not be detrimental to subsequent operations.

#### **13.4 - MEASUREMENT AND PAYMENT**

Lump Sum.