



# Commonwealth of Pennsylvania

Date: **February 10, 2016**  
Subject: **Attachment D**  
Solicitation Number: **6100037109**  
Opening Date/Time: **02/17/2016 - 2:00 P.M.**  
Addendum Number: **1**

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To All Suppliers:

The Commonwealth of Pennsylvania defines a solicitation "Addendum" as an addition to or amendment of the original terms, conditions, specifications, or instructions of a procurement solicitation (e.g., Invitation for Bids or Request for Proposals).

*List any and all changes:*

Attachment D - Environmental Protection Agency (EPA) Small Disadvantaged Business Requirements is attached to, and made a part of, the Specifications of Bid Invitation Number 6100037109.

**For electronic solicitation responses via the SRM portal:**

- Attach this Addendum to your solicitation response. Failure to do so may result in disqualification.
- To attach the Addendum, download the Addendum and save to your computer. Move to "My Notes", use the "Browse" button to find the document you just saved and press "Add" to upload the document.
- Review the Attributes section of your solicitation response to ensure you have responded, as required, to any questions relevant to solicitation addenda issued subsequent to the initial advertisement of the solicitation opportunity.

**For solicitations where a "hard copy" (vs. electronic) response is requested:**

- Attach this Addendum to your solicitation response. Failure to do so may result in disqualification.
- If you have already submitted a response to the original solicitation, you may either submit a new response, or return this Addendum with a statement that your original response remains firm, by the due date to the following address:

Except as clarified and amended by this Addendum, the terms, conditions, specifications, and instructions of the solicitation and any previous solicitation addenda, remain as originally written.

Very truly yours,

Name: Sherry Morrow  
Title: EEO Specialist  
Phone: 717-772-1216  
Email: smorrow@pa.gov

## **ATTACHMENT D**

### **Environmental Protection Agency (EPA) Small Disadvantaged Business Requirements**

**Utilization of Small, Minority and Women's Business Enterprises** - Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of this contract which is a contract awarded under an EPA financial assistance agreement. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

Contractor shall specifically comply with the following:

#### **Good Faith Efforts:**

If Contractor awards subcontracts it is required to make the following good faith efforts whenever procuring construction, equipment, services and supplies under this contract:

(a) Ensure Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

**Reporting and Recordkeeping:**

(a) Contractor must maintain all records documenting its compliance with the requirements of Title 40 CFR Part 33, including documentation of its good faith efforts and data relied upon in formulating its fair share objectives. Such records must be retained in accordance with applicable record retention requirements for the recipient's financial assistance agreement.

(b) Contractor must keep a list of all firms that are solicited, bid or quote on subcontracts, including both MBE/WBEs and non-MBE/WBEs. The following information must be obtained from all subcontractors:

- (1) Entity's name with point of contact;
- (2) Entity's mailing address, telephone number, and e-mail address;
- (3) The procurement on which the entity bid or quoted, and when; and
- (4) Entity's status as an MBE/WBE or non-MBE/WBE.

(c) Contractor must report to DEP by October 1<sup>st</sup> of each year, subcontracts with MBE/WBEs. Reports must include the following:

- (1) The MBE/WBE's name, mailing address, telephone number;
- (2) Whether the entity is an MBE or WBE;
- (3) The type of procurement: construction, supplies, services, or equipment;
- (4) The date of the procurement; and
- (5) The amount of the procurement.