

**Veteran Business Enterprise (VBE) Participation Summary Sheet**

Solicitation/Project #: **OGC-2024-08**

Issuing Agency: **Governor's Office of General Counsel for SPSBA & PHEFA**

Name of Procurement/Project: **Bond Counsel RFQ**

VBE Participation Goal (for VBE and SDVBE): **3%**

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**Attachments:**

- VBE-1      Instructions for completing VBE Participation Submittal and VBE Utilization Schedule
- VBE-2      VBE Participation Submittal
- VBE-3      VBE Utilization Schedule
- VBE-4      Guidance for Documenting Good Faith Efforts to meet the VBE participation goal
- VBE-5      Good Faith Efforts Documentation to Support Waiver Request of VBE Participation Goal

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

***PLEASE READ BEFORE COMPLETING THESE DOCUMENTS***  
***Law Firms 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 Law Firms must submit in order to be considered responsive.

The following instructions also include details for completing the VBE Utilization Schedule (VBE-3), which Law Firms must submit for any portion of the VBE participation goal the Law Firm commits to meeting.

**A Law Firm'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 their Submittal as nonresponsive.**

I. **VBE Participation Goal:** The VBE participation goal is set forth in the **VBE Participation Summary Sheet**. Law Firms are encouraged to use a diverse group of subcontractors to meet the VBE participation goal.

II. **VBE Eligibility:**

1. **Finding VBE firms:** Law Firms can access the directory of **DGS-verified** VBE firms from the DGS Supplier Search directory at: <http://www.dgs.internet.state.pa.us/suppliersearch>. **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 a VBE prime, **must be DGS-verified for the services, materials or supplies that it has committed to perform.**
  - a. **VBE prime Law Firms.** A VBE prime Law Firm whose VBE verification is pending or incomplete as of the bid or proposal due date and time may not satisfy the VBE participation goal through its own performance. **A self-certified Small Business (SB) prime Law Firm that does not have its VBE verification as of its selection for a Bond Counsel engagement cannot satisfy the VBE participation goal through its own performance.**
  - b. **VBE subcontractors.** To receive credit toward meeting the VBE participation goal, the VBE subcontractor must be a DGS-verified VBE as of the date the work to be performed by the VBE commences. **A self-certified SB subcontractor that does not have its VBE verification as of the date the work to be performed by the subcontractor commences cannot be used to satisfy the VBE participation goal.**
2. **VBE Requirements:** To be considered a VBE, a firm must be a **DGS-verified** Veteran-Owned Small Business Enterprise or Service-Disabled Veteran-Owned Small Business Enterprise.

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Additional information on the DGS verification process can be found at:

<https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx>

3. 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 Solicitation.

*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.*

4. Participation by VBE Law Firms as Bond Counsel or subcontractors. A Law Firm that qualifies as a VBE and submits a submittal as a prime Law Firm is not prohibited from being utilized as a subcontractor in Bond Counsel engagements handled by other Law Firms. A VBE may be utilized as a subcontractor with as many prime Law Firms as it chooses in Bond Counsel engagements.
5. 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 Law Firm Self-Performance.**

1. A VBE firm participating as a prime Law Firm on a Bond Counsel engagement may receive credit towards the VBE Participation goal through their own self-performance.

*Example: A solicitation has a 15% VBE participation goal. A 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-1

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

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

2. For a VBE prime Law Firm to receive credit for self-performance, the VBE prime Law Firm must be a **DGS-verified** VBE as of the selection for a Bond Counsel engagement and must list itself in the **VBE Utilization Schedule (VBE-3)**.
3. The VBE prime Law Firm must also identify whether it is a Veteran-Owned Small Business Enterprise or a Service-Disabled Veteran-Owned Small Business Enterprise and include information regarding the work it will self-perform. For any portion of the VBE participation goal not met through the VBE prime Law Firm's self-performance, the VBE Law Firm must also identify on the **VBE Utilization Schedule (VBE-3)** the portion of the VBE participation goal that will be performed by VBE subcontractors it will use to meet the unmet portion of the goal or must request a Good Faith Efforts waiver.

**IV. Calculating VBE participation.** BDISBO will credit a Law Firm selected for a Bond Counsel engagement for 100% of the total dollar amount actually paid to a VBE subcontractor for providing a service toward satisfying the selected Law Firm's VBE participation commitment. In addition, the VBE subcontractor, through its own employees, must perform at least 50% of the amount of the subcontract.

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

**V. Document Submittal Errors.**

1. **Fatal errors.** The following errors will result in rejection of a Submittal as non-responsive:
  - a. Failure to submit a completed **VBE Participation Submittal (VBE-2)**;
  - b. Failure to submit a **VBE Utilization Schedule (VBE-3)**, unless the Law Firm is seeking a complete Good Faith Efforts waiver;
  - c. Failure to submit a Good Faith Efforts waiver request when not fully meeting the VBE participation goal.
  
2. **Potentially curable errors.** The Issuing Office and BDISBO may provide Law Firms 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 submittal may be rejected. **Law Firms are not permitted to make material changes during clarifications or corrections in order to meet the VBE Participation Goal.**

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

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

*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 a **VBE Utilization Schedule (VBE-3)**, which is required in order to be considered for inclusion in the Bond Counsel Pool.

**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 RFQ and am requesting a partial waiver of the VBE participation goal. I have completed and am submitting both of the following, which are required in order to be considered for inclusion in the Bond Counsel Pool:

1. a **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 RFQ and am requesting a full waiver of the VBE participation goal.

I have completed and am submitting a **Good Faith Efforts Waiver Request** for the complete VBE participation goal, which is required in order to be considered for inclusion in the Bond Counsel Pool.

NOTE: VBE primes who are submitting as Law Firms must complete a **VBE Utilization Schedule (VBE-3)** identifying any self-performance towards the VBE participation goal.

**VBE-3**  
**VBE UTILIZATION SCHEDULE**

**Law Firms to complete the following:**

**Amount of VBE participation goal to be met through the use of VBE subcontractors:**

Law Firms are not required to identify the specific VBE subcontractors within this VBE Utilization Schedule, but must identify the total percentage (%) of work to be performed by VBE subcontractors. However, a Law Firm selected for a Bond Counsel engagement must submit the Closing Statement identifying the VBE subcontractors used to meet the portion of the VBE participation goal listed below, as required by Section I-24(K) and IV-5.E.1. of the RFQ. To receive credit toward meeting the VBE participation goal, the VBE subcontractor must be a DGS-verified VBE as of the date the work to be completed by the VBE commences.

Percentage of work to be performed by VBE subcontractors:

\_\_\_\_\_ %

**If the Prime Law Firm is a DGS-verified VBE**, complete the following:

SAP Vendor Number (6-digit number): \_\_\_\_\_

VBE Verification Number (located on DGS VBE verification):

\_\_\_\_\_

Type of VBE: \_\_\_ Veteran-Owned Small Business Enterprise

\_\_\_ Service-Disabled Veteran-Owned Small Business Enterprise

Description of Work to be Performed (Statement of Work/Specification reference):

Percentage of work to be self-performed by VBE Law Firm \_\_\_\_\_ %

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

*Law Firms do not need to return VBE-4 with their VBE Participation Submittal*

In order for its submittal to be responsive, the 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**

**Anticipated Scopes of Work** – all of the items of work the Offeror identified as possible items of work for performance by VBEs and should include all reasonably identifiable subcontractable work opportunities.

**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 VBEs**– all of the VBEs the Offeror has identified as available to perform the Anticipated Scopes 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 Law Firm responding to the RFQ.

**VBE** – “VBE” refers to Veteran-Owned Small Business Enterprises or 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 Businesses and Service-Disabled Veteran-Owned Small Businesses.

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

The following are 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 participation



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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 Items as Anticipated Scopes of Work for VBEs**

1. Anticipated Scopes of Work

- (a) Offerors should reasonably identify sufficient anticipated scopes of work to be performed by VBEs. These anticipated scopes of work should include VBE subcontracting opportunities.
- (b) Where appropriate, Offerors should break out anticipated scopes of work 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 Anticipated Scopes of Work.
- (b) Any VBEs identified as available by the Offeror should be certified to perform the Anticipated Scopes of Work (i.e., assigned the UNSPSC codes within the DGS Supplier Search that are applicable to the Scope of Work they will be performing).

**C. Solicit VBEs**

- 1. Offerors must solicit a reasonable number of identified VBEs for all Anticipated Scopes of Work by providing written notice. The Offeror must:
  - (a) provide the written solicitation to all 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

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information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. “All” Identified VBEs includes any VBE Firms the Offeror identifies as potentially available to perform the Anticipated Scopes 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 Anticipated Scopes of Work. 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 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 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;

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- (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
  - (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 Anticipated Scopes of 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 a 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

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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.

- (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

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**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET THE  
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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:

**A. Anticipated Scopes of Work (complete VBE-5, Part 1 – Anticipated Scopes 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)**

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

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.

#### **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>	
Bidder/Offeror Contact Name:	
Bidder/Offeror Contact Email:	
Bidder/Offeror Contact Phone Number:	

**Part 1 – Anticipated Scopes of Work Offeror Made Available to VBEs**

Identify those anticipated scopes of 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. It is the Offeror’s responsibility to demonstrate that the total percentage of the anticipated scopes of work identified for VBE participation met or exceeded the VBE participation goal set for the procurement.

Anticipated Scopes of Work	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

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 Anticipated Scopes 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.

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 a 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	VBE interested in Anticipated Scope of Work?	Will VBE be Used?	Reason VBE Rejected
VBE Name:  ___ VBE ___ SDVBE		Date:  ___ mail ___ email ___ fax	Date:  ___ mail ___ email ___ fax	Date and Time of Call:  Spoke with:  Left Message:	___ yes ___ no	___ yes ___ no	___ Used other VBE ___ Used non-VBE ___ Self performing
VBE Name:  ___ VBE ___ SDVBE		Date:  ___ mail ___ email ___ fax	Date:  ___ mail ___ email ___ fax	Date and Time of Call:  Spoke with:  Left Message:	___ yes ___ no	___ yes ___ no	___ Used other VBE ___ Used non-VBE ___ 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 Anticipated Scopes 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/Quote conference or Supplier Forum

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

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

**VBE-5**

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

**Part 4 – Additional Information Regarding Rejected VBES**

This form must be completed if Part 2 indicates that a VBE quote was rejected because the Offeror is using a non-VBE or is self-performing the Anticipated Scopes of Work. List the Anticipated Scopes of Work, indicate 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 Anticipated Scope of Work not being performed by VBES	Self-performing or using non-VBE (provide name of non-VBE if applicable)	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"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using 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"/> price <input type="checkbox"/> capabilities <input type="checkbox"/> other
	<input type="checkbox"/> self-performing <input type="checkbox"/> using 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"/> 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 anticipated scopes of work for this project or did not provide a response.

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