

DBE Solicitation for Private LSL Replacement Program

Learn about the Environmental Loans programs and find guidance at dnr.wi.gov/aid/eif.html.

This document contains important information for compliance with Disadvantaged Business Enterprise (DBE) solicitation requirements for the Private Lead Service Line Replacement Program.

What is the purpose of complying with DBE requirements?

Complying with DBE requirements ensures that all DBEs have the opportunity to compete for procurements funded in part by EPA financial assistance.

When is DBE compliance required?

All municipalities, and prime contractors and subcontractors, must make good faith efforts to solicit DBEs whenever required to bid construction work, equipment, raw materials, or supplies for a project under the state procurement laws. DBEs include, but are not limited to, minority business enterprises (MBEs) and women's business enterprises (WBEs).

- When utilizing a **prequalified list** of plumbers, DBE compliance should occur at every level of contracting, including the municipality's [Request for Qualifications \(RFQ\)](#) and by the plumbers/contractors if any subcontracting is done.
- When bidding out the project as a **municipal contract**, DBE compliance is required when soliciting bids and by the Prime contractor if any subcontracting is done. To document compliance, municipalities must submit the [DBE Good Faith Certification Form 8700-294](#).

How can recipients comply with the requirements?

In order to satisfy the DBE requirements, the municipality, prime contractors, and subcontractors, when applicable, must, at a minimum, make the following efforts:

Municipalities, prime contractors, and subcontractors when applicable, must do **at least one of a., b., or c.:**

- a. **Include language in bid advertisements** that encourages DBEs to submit bid proposals. If contracts are advertised separately, each advertisement should include the DBE language.
 - i. **MUNICIPALITIES:** To make a good faith effort when hiring prime contractors, the municipality should add a statement to its advertisements for prime contractors such as, "We encourage DBEs, including MBEs and WBEs, to submit bid proposals." The advertisements must appear at least in an industry trade publication or the official newspaper of public record for the municipality. The municipality must then *submit proof of publishing* to the DNR.
 - ii. **PRIME CONTRACTORS AND SUBCONTRACTORS:** To make a good faith effort when subcontracting, a contractor can advertise for subcontractors with an ad that includes a statement like, "DBEs, including MBEs and WBEs, are encouraged to submit proposals." If just one advertisement is published for all areas of work that may be subcontracted, it should indicate the types of work that could be subcontracted. The advertisement(s) must appear in an industry trade publication and/or the official newspaper of public record for the municipality. The prime contractor should *supply a copy of the advertisement* to the consulting engineer or the municipality so they can submit it to the DNR.

- b. **Contact DBEs on a Unified Certification Program (UCP) List** to solicit bids from these firms (e.g., firms registered in the WisDOT UCP, wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx). Individuals that make the contacts should document all of their contacts, preferably using the [DBE Contacts Worksheet Form 8700-294a](#).

The [UCP lists](#) are the main sources of certified DBEs, but there are other sources available. Any certification must meet the same requirements as those used for UCP-listed businesses.

- c. **Utilize DBEs registered with the UCP** (e.g., [WisDOT UCP](#)). If DBEs are utilized, municipalities must document their participation and report it when closing out the loan.

Additional Information

For additional information regarding DBE procurement requirements, contact the DNR project manager assigned to your project or contact Casey Sweeney at (608) 852-1576 or casey.sweeney@wisconsin.gov.

Information is also available on the Environmental Loans website at dnr.wi.gov/aid/documents/eif/guide/DBE.html.

