

Form 6-W Pre-Procurement Information Handout

The items listed below have historically been sources of problems in the bidding and awarding process of construction contracts. The explanations below are included in order to clarify the policies and to assist in compiling bids for the project. These items are by no means a complete list of responsibilities. Please refer to the specifications (Chapter 6) for the actual policy requirements.

A. DBE POLICY (NOT REQUIRED FOR PROJECTS COSTING LESS THAN \$250,000)

The Disadvantaged Business Enterprise (DBE) is used by the federal government to promote the use of such enterprises on federally funded projects. The federal DBE policy must be included in your bid solicitations. The borrower must be able to demonstrate that a good-faith effort was made to comply with the federal policy to include DBE subcontractors or suppliers on the project. DBEs should be placed on bid solicitation lists.

You may document your efforts to contact DBEs by submitting copies of advertisements in journals and newspapers, telephone logs, direct correspondence, etc. DEQ will review your documents and may check the validity of the contract that you have with DBEs. Refer to Forms in Chapter 6 of the DWSRF Handbook.

B. PROJECT SIGN

A sign may be produced and erected in a prominent location to adequately mark the project. (Signage costs are loan eligible.) The sign indicates that the project is funded by DEQ.

C. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION (EEO/AA)

Compliance with Federal guidelines pertaining to EEO/AA requirements are a part of the loan contract. Ensure that you are in compliance with these regulations. The current EEO poster [EEOC-P/E-1] (translations in different languages are available) must be posted on the site and may be ordered through the Equal Employment Opportunity Commission Web site at <http://www1.eeoc.gov/employers/poster.cfm>. It is the contractor's responsibility to contact the EEOC within 30 days of contract award. This EEO requirements only apply to projects that cost over \$50,000 and if the firm employs more than 50 people.

D. PROJECT SCHEDULING AND OUTLAYS

In order to comply with federal requirements, projected outlays must be reported by DEQ to EPA. Because of this requirement, your project must be carefully planned and expenditures projected so that payment schedules can be developed. The project schedule can also be very important, especially if the borrower is under a DEQ consent order, which includes a compliance schedule. Critical path scheduling or bar charts with projected outlays are acceptable forms of scheduling.

E. DAVIS BACON WAGE PROVISION REQUIREMENT

Review Attachment B to standard loan offer and Forms 9B and 9C.

1. The latest wage determinations from the US Department of Labor (USDOL) for the specific project area must be included in the plans and specifications when they are advertised for bid. Additional details are as follows:
 - a. The latest wage determinations can be found by navigating from the following website: <http://www.dol.gov/whd/america2.htm>.
 - b. The wage determinations are periodically updated and therefore can change between the dates of the bid advertisement and the bid closing. In a recent webinar training, the USDOL confirmed that it is the loan recipient's responsibility to ensure that any changes to the wage determinations, up until 10 days before close of the bid period, are incorporated into the contract documents (plans and specifications). That last wage determination will be in effect for the remainder of the project *unless* the contracts between the loan recipient and the successful bidder(s) for the project are not signed within 90 days of the bid opening. (USDOL calls these the 10 day rule and the 90 day rule.)
2. The following documents must be included in the signed contracts between the loan recipient and the successful bidder(s) for the project:
 - a. Paragraph I.12 or I.13 from Form 6-C (depending on the type of loan recipient) *must* be included in the signed contracts between the loan recipient and the successful bidder(s) for the project.
 - b. The latest wage determinations per the 10 day rule or the 90 day rule as discussed above.
3. A number of loan recipients have found it advantageous to utilize the services of grant administrators that are familiar with Davis Bacon requirements. These specialists can provide assistance from the initial plans and specifications through contract administration during the course of the project.

F. DOCUMENTS SUBMITTED

The borrower may, at their discretion, require all bidders to submit certain specification inserts from which DEQ only requires final submission from the successful bidder.

G. DUNS REGISTRATION

Borrower must renew this registration annually.

H. SUSPENSION AND DEBARMENT

All contractors *and* subcontractors must be cleared through state and federal debarment and suspension lists. Any contractor/subcontractor that is used without notification to the DEQ project officer may incur costs that will be disallowed.

I. AMERICAN IRON AND STEEL

Compliance with American iron and steel requirements should be included in all pre-bidding conferences. Use Form 6-X to help guide this discussion.

J. BIDDERS LIST

Submit Form 6-Y prior to authorization to award. Bidders list shall include subcontractors and general contractors.