

EXHIBITS:

- Exhibit 1. Form DCED-CCD-286
- Exhibit 2. Form MWBE-9-08 – (9-08)
- Exhibit 3. Form DCED-CCD-MWBE-02 (09-08)
- Exhibit 4. Sample Letter to Contractor w/Prime Contractor's Quarterly Utilization Report
- Exhibit 5. Sample Letter to Sub-Contractor w/Sub-Contractor's Quarterly Utilization Report
- Exhibit 6. Evaluation and Determination Examples - Responsive Bids
- Exhibit 7. Evaluation and Determination Examples – Not Responsive Bids
- Exhibit 8. Market Areas for MBE/WBE Solicitation by County (3 pages)

MBE/WBE SECTION 3 CONTRACT SOLICITATION AND COMMITMENT STATEMENT

(1) Name of Bidder	(2) IFB Number
Address	Bid Opening Date
Telephone Number	Contact Person

(8) NOTE: List those certified minority/women owned businesses from which you solicited quotes or which contacted you and gave you quotes in regard to this Invitation for bid. Bidder's contract with Subcontractors and suppliers should be at least five days prior to the bid opening date.

*(3) COMPANY NAME EIN/SSN TELEPHONE NUMBER	(4) MBE (X)	(4) WBE (X)	(4) Sec. 3 (X)	(5) TYPE OF CONSTRUCTION, EQUIPMENT, SERVICES AND/OR SUPPLIES TO BE PROVIDED TO THE PROJECT	(6) TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	* (7) TOTAL COMMITMENT DOLLAR AMOUNT

(9) NOTE Minimum Levels (MPL): MBE-5%, WBE-3%
 A presumption of responsibility may be made if the dollar commitment of MBE/WBE reflects this minimum participation level.

(10) Prepared By:	Telephone Number/E-mail Address:
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Use additional sheets if necessary.

**MINORITY & WOMEN'S BUSINESS ENTERPRISE
 PRIME CONTRACTOR'S QUARTERLY UTILIZATION REPORT**

(This form should be returned within 10 working days at the end of each quarter.)

PRIME CONTRACTOR'S FIRM NAME					REPORTING PERIOD				
ADDRESS					CONTRACT NUMBER				
TELEPHONE									
CONTACT PERSON					DATE RECEIVED (Office use Only)				
List State certified minority and/or women-owned businesses whose services and/or supplies you have purchased in reference to this contract.									
COMPANY NAME	ADDRESS	TELPHONE NUMBER	MBE (X)	WBE (X)	TRANSACTION		DATE PAID	MBE/WBE ACTUAL DOLLARS*	
					SUB CONTRACT (X)	SUPPLIES (X)			
Prepared By:	Title:	Phone No:			E-Mail Address:				

* PLEASE AFFIX COPIES OF MBE & WBE INVOICES TO YOUR COMPANY ALONG WITH COPIES OF YOUR COMPANY'S CANCELED CHECKS REFLECTING PAYMENT OF THE MBE AND WBE INVOICES.

EXHIBIT 3

Commonwealth of Pennsylvania
DEPARTMENT OF COMMUNITY & ECONOMIC DEV.
DCED-CCD-MWBE-02 (9-08)

(PLEASE PRINT)

**MINORITY AND WOMEN'S BUSINESS ENTERPRISE
SUBCONTRACTOR'S QUARTERLY UTILIZATION REPORT**

(This form should be returned within 10 working days at the end of each quarter.)

SUBCONTRACTOR'S FIRM NAME	REPORTING PERIOD
ADDRESS	CONTRACT NUMBER
TELEPHONE	
CONTACT PERSON	DATE RECEIVED (Office use Only)

List the prime contractors who have purchased your services and/or supplies in reference to this contract.

COMPANY NAME	ADDRESS	TELEPHONE NUMBER	DATE SERVICES/SUPPLIES PROVIDED	DATE INVOICE SENT	AMOUNT INVOICED	DATE INVOICE PAID	AMOUNT PAID

PREPARED BY:	TITLE:	PHONE NO:	E-MAIL ADDRESS:
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* PLEASE AFFIX COPIES OF YOUR COMPANY'S INVOICES TO THE PRIME CONTRACTOR.

EXHIBIT 4

(Date)

[Contractor's Name
and Address]

RE: [Contract Number, Name of Project]

Dear Sirs/Madam:

Congratulations on being awarded the above referenced contract. In the contract a binding commitment was made by your firm to the following MBE and/or WBE firms - [List Names of MBE and/or WBE firms here].

The attached Prime Contractor's Quarterly Utilization Report should be completed and returned to the [Grantee's or Administering Agency's Office], within ten (10) working days at the end of each quarter or project completion. The information requested on this form will, inter-alia, be used to determine the actual dollar amount paid to Minority and Women Business Subcontracting and/or Suppliers to which your firm made commitments during the bidding process.

If you have any question regarding the above, please contact [Name of Contact Person and Phone Number]. Best wishes for continued success on this project.

Very truly yours,

Attachment

Exhibit 5

(Date)

[Subcontractor's Name
and Address]

RE: [Contract Number, Name of Project]

Dear Subcontractor/Supplier:

The above referenced contract has been awarded to [Name of Prime Contractor]. In the contract, a binding commitment was made to your firm of [dollar amount of commitment].

Please verify the above committed amount with this office within fifteen (15) days after receipt of this letter. If you do not respond, we will presume that your firm is in agreement with the committed amount.

In order that we may track this amount accurately, we ask that the attached Subcontractor's Quarterly Utilization Report be completed and returned to the [Grantee's or Administering Agency's Office] within ten (10) working days at the end of each quarter or project completion. Should you have any questions regarding this form, please contact [Name of Contact Person and Phone Number].

Your participation in this program will help ensure that it is successful. Your continued participation will be both beneficial to our program and to you.

Very truly yours,

Attachment

cc: [Prime Contractor]

**EXHIBIT 6
EVALUATION AND DETERMINATION EXAMPLES
RESPONSIVE BIDS**

1. An award in a multi-bidder IFB:

The bid submission of _____ at \$_____ is responsive since the bidder did submit the required MBE/WBE Contract/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. Award to (Contractor's Name) will result in the following:

MBE Participation	\$	=	%	
a. (subcontractor's name)				\$
b.				\$
WBE Participation	\$	=	%	

2. All services and supplies provided in-house:

The bid submission of _____ at \$_____ is responsive since the bidder did submit the required MBE/WBE Contract/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. The bidder indicated that all services and supplies will be provided in-house.

3. No certified MBEs/WBEs available:

The bid submission of _____ at \$_____ is responsive since the bidder did submit the required MBE/WBE Contract/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. The bidder indicated that certified MBEs/WBEs are not available in the area requested.

The bid submission of _____ at \$_____ is responsive. The bidder did not solicit quotes from certified MBEs/WBEs, nor did they provide an explanation as to why no quotes were solicited. However, the (Name of Grantee or Administering Agency) does not have any certified MBEs/WBEs in this specialized area.

4. Indicated "N/A", "None" or "did not solicit", but bid specs show subcontracting not necessary:

The bid submission of _____ at \$_____ is responsive. Although the bidder indicated "N/A", upon evaluation of the specifications it was determined that the services and supplies in support of this contract could be provided by the bidder.

5. Labor provided in-house; Materials cannot be anticipated:

The bid submission of _____ at \$_____ is responsive since the bidder did submit the required MBE/WBE Contract/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. The bidder indicated that all services and supplies will be provided in-house and materials are such that they cannot be anticipated.

6. Bidder did not submit DCED-CCD-286; Under \$25,000:

The bid submission of _____ at \$_____ is responsive. Although the bidder did not submit the required MBE/WBE Contract/Solicitation and Commitment Statement, the bid is still responsive since it is under \$25,000.00. If the bid is amended or renewed and it increases the contract value to \$25,000.00 or above a MBE/WBE Contract/Solicitation and Commitment Statement must be submitted for evaluation.

**EXHIBIT 7
EVALUATION AND DETERMINATION EXAMPLES**

NOT RESPONSIVE BIDS

1. Only One bidder; no solicitation:

The bid submission of ____ at \$ ____ is not responsive. The bidder did not solicit bids from certified MBEs/WBEs, nor did they provide an explanation as to why the MPLs were not achieved as required by the bid documents.

2. Subcontractors not certified by DGS or PA DOT:

The bid submission of ____ at \$ ____ is not responsive. The bidder committed to a firm that is not certified by the Department of General Services or Department of Transportation as required by the bid documents. Certified MBEs/WBEs are available to provide services/supplies for this contract.

3. "N/A" or "None" on DCED-CCD-286; No explanation provided:

The bid submission of ____ at \$ ____ is not responsive. The bidder indicated "N/A"/"None" in response to the solicitation and commitment to MBEs/WBEs and they failed to provide an explanation as to why the MPLs for MBEs/WBEs was not achieved as required by the bid documents.

4. Certified MBE/WBE listing only themselves on the DCED-CCD-286:

The bid submission of ____ at \$ ____ is not responsive. The bidder listed themselves on the MBE/WBE Contract/Solicitation and Commitment Statement without addressing MBE/WBE solicitations and commitments as required by the bid documents.

5. No documentation for not meeting participation levels:

The bid submission of ____ at \$ ____ is not responsive. The bidder failed to submit an explanation as to why the MPLS for the MBEs/WBEs was not achieved as required by the bid documents.

6. Did not commit; Did not achieve MPLs:

The bid submission of ____ at \$ ____ is not responsive. The bidder failed to commit to any of the MBEs/WBEs solicited and they did not provide an explanation as to why the MPLs for MBEs/WBEs was not achieved as required by the bid documents.

EXHIBIT 8

Market Areas for MBE/WBE Solicitation by County

Following is a list of counties along with their adjoining counties. Counties containing cities with populations of 50,000 or more are shown in bold italics.

Adams	-	Cumberland, Franklin, and York (<i>Dauphin</i>)
Armstrong	-	<i>Allegheny</i> , Butler, Clarion, Jefferson, Indiana, and Westmoreland
Beaver	-	<i>Allegheny</i> , Butler, Lawrence, and Washington
Bedford	-	<i>Blair</i> , Cambria, Fulton, Huntingdon, and Somerset
<i>Berks</i>	-	Chester, <i>Lancaster</i> , Lebanon, <i>Lehigh</i> , <i>Montgomery</i> , and Schuylkill
<i>Blair</i>	-	Bedford, Cambria, Centre, Clearfield, and Huntingdon
Bradford	-	Lycoming, Sullivan, Susquehanna, Tioga, and Wyoming (<i>Lackawanna</i>)
<i>Bucks</i>	-	<i>Lehigh</i> , <i>Montgomery</i> , Northampton, and <i>Philadelphia</i>
Butler	-	<i>Allegheny</i> , Armstrong, Beaver, Clarion, Lawrence, Mercer, and Venango
Cambria	-	<i>Blair</i> , Bedford, Clearfield, Indiana, Somerset, and Westmoreland
Cameron	-	Centre, Clearfield, Clinton, Elk, McKean, and Potter (<i>Erie</i>)
Carbon	-	<i>Lackawanna</i> , Lehigh, Luzerne, Monroe, Northampton, and Schuylkill
Centre	-	<i>Blair</i> , Clearfield, Clinton, Huntingdon, Mifflin, and Union
Chester	-	<i>Berks</i> , <i>Delaware</i> , <i>Lancaster</i> , and <i>Montgomery</i>
Clarion	-	Armstrong, Butler, Forest, Jefferson, and Venango (<i>Allegheny</i>)
Clearfield	-	<i>Blair</i> , Cambria, Cameron, Centre, Clinton, Elk, Indiana, and Jefferson
Clinton	-	Cameron, Centre, Clearfield, Lycoming, Potter, and Union (<i>Blair</i>)
Columbia	-	Lycoming, Luzerne, Montour, Schuylkill, Sullivan, and Northumberland (<i>Dauphin</i>)
Crawford	-	<i>Erie</i> , Mercer, Venango, and Warren
Cumberland	-	Adams, <i>Dauphin</i> , Franklin, Perry, and York
<i>Dauphin</i>	-	Cumberland, <i>Lancaster</i> , Lebanon, Northumberland, Perry, Schuylkill, and York

Delaware	- Chester, Montgomery , and Philadelphia
Elk	- Cameron, Clearfield, Forest, Jefferson, McKean, and Warren (Erie)
Erie	- Crawford and Warren
Fayette	- Greene, Somerset, Washington, and Westmoreland (Allegheny)
Forest	- Clarion, Elk, Jefferson, McKean, Venango, and Warren (Erie)
Franklin	- Adams, Cumberland, Fulton, Juniata, Huntingdon, and Perry (Dauphin)
Fulton	- Bedford, Huntingdon, and Franklin (Dauphin)
Greene	- Fayette and Washington (Allegheny)
Huntingdon	- Bedford, Blair , Centre, Franklin, Fulton, Mifflin, and Juniata
Indiana	- Armstrong, Cambria, Clearfield, Jefferson, and Westmoreland (Allegheny)
Jefferson	- Armstrong, Clarion, Clearfield, Elk, Forest, and Indiana (Allegheny)
Juniata	- Franklin, Huntingdon, Mifflin, Northumberland, Perry, and Snyder (Dauphin)
Lackawanna	- Luzerne, Monroe, Susquehanna, Wayne, and Wyoming
Lancaster	- Berks , Chester, Dauphin , Lebanon, and York
Lawrence	- Beaver, Butler, and Mercer (Allegheny)
Lebanon	- Berks , Dauphin , Lancaster , and Schuylkill
Lehigh	- Berks , Bucks , Carbon, Montgomery , Northampton, and Schuylkill
Lycoming	- Bradford, Clinton, Columbia, Montour, Northumberland, Potter, Sullivan, Tioga, and Union (Dauphin)
Luzerne	- Carbon, Columbia, Lackawanna , Schuylkill, and Sullivan
McKean	- Cameron, Elk, Forest, Potter, and Warren (Erie)
Mercer	- Butler, Crawford, Lawrence, and Venango (Allegheny)
Mifflin	- Centre, Huntingdon, Juniata, Snyder, and Union (Dauphin)
Monroe	- Carbon, Lackawanna , Northampton, Pike, and Wayne
Montgomery	- Berks , Bucks , Chester, Delaware , Lehigh , and Philadelphia
Montour	- Columbia, Lycoming, and Northumberland (Dauphin)

Northampton - **Bucks**, Carbon, **Lehigh**, and Northampton

Northumberland - Columbia, **Dauphin**, Juniata, Lycoming, Montour, Perry, Schuylkill, Snyder, and Union

Perry - Cumberland, **Dauphin**, Franklin, and Juniata

Pike - Monroe and Wayne (**Lackawanna**)

Potter - Cameron, Clinton, Lycoming, McKean, and Tioga (**Erie**)

Schuylkill - **Berks**, Carbon, Columbia, **Dauphin**, Lebanon, **Lehigh**, Luzerne, and Northumberland

Snyder - Juniata, Mifflin, Northumberland, and Union (**Dauphin**)

Somerset - Bedford, Cambria, Fayette, and Westmoreland (**Allegheny**)

Sullivan - Bradford, Columbia, Lycoming, Luzerne, and Wyoming (**Lackawanna**)

Susquehanna - Bradford, **Lackawanna**, Wayne, and Wyoming

Tioga - Bradford, Lycoming, and Potter (**Lackawanna**)

Union - Centre, Clinton, Lycoming, Mifflin, Northumberland, and Snyder (**Dauphin**)

Venango - Butler, Clarion, Crawford, Forest, Mercer, and Warren (**Allegheny**)

Warren - Crawford, Elk, **Erie**, Forest, McKean, and Venango

Washington - **Allegheny**, Beaver, Fayette, Greene, and Westmoreland

Wayne - **Lackawanna**, Monroe, Pike, and Susquehanna

Westmoreland - **Allegheny**, Armstrong, Cambria, Fayette, Indiana, Somerset and Washington

Wyoming - Bradford, **Lackawanna**, Luzerne, Sullivan, and Susquehanna

York - Adams, Cumberland, **Dauphin**, and **Lancaster**