



OFFICE OF SUPPLIER DIVERSITY & INCLUSION

MINORITY BUSINESS ENTERPRISE (MBE) AND SMALL LOCAL BUSINESS ENTERPRISE (SLBE)  
PROGRAMS

APPENDIX A



#### COMMISSIONERS

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#### GENERAL MANAGER

Kishia L. Powell

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Dear Prospective Bidder or Proposer:

The Washington Suburban Sanitary Commission (WSSC, WSSC Water or Commission), through the Office of Supplier Diversity & Inclusion (“OSDI”) is dedicated to creating an inclusive purchasing environment while building sustainable relationships; expanding opportunities; and cultivating growth of small, local and minority business enterprises, which adds value to the Commission and community we serve. In accordance with the Public Utilities Article, Annotated Code of Maryland<sup>1</sup>, the WSSC is authorized to establish both a Minority Business Enterprise (MBE) Program and Small Local Business Enterprise (SLBE) Program. The Commission is further authorized to ensure compliance with these MBE and SLBE Programs.

The MBE and SLBE Programs facilitate fair and equal access to opportunities for those MBE/SLBE primes, subcontractors and suppliers ready, willing and able to compete for work on WSSC Water-funded contracts. Prime bidders and proposers are required to ensure that prospective subcontractors, vendors and suppliers are afforded fair and equal access to opportunities for inclusion on WSSC Water-funded contracts, where applicable.

For the purposes of this document, a Service-Disabled Veteran Small Business (SLBE-SDV) is a firm that is certified as a Service-Disabled Veteran-owned firm and approved to participate in WSSC Water's SLBE Program as defined here within. The firm must meet the approval criteria of SLBE firms. Please read all of the information included in this Appendix. Carefully review the specific MBE/SLBE subcontracting goals or price preferences for this solicitation. If you have any questions about the information included in this section of the solicitation, please contact the Procurement Buyer noted on this solicitation.

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These programs are, in part, intended to further WSSC Water's compelling interest in avoiding either active or passive participation in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in WSSC Water contracts.

## **I. MBE PURPOSE STATEMENT**

In accordance with §20-204 thru §20-206 of the Public Utilities Article, Maryland Annotated Code, WSSC shall establish:

- A. A MBE Utilization Program to facilitate the participation of responsible certified minority business enterprises in design/build and construction contracts awarded by the Commission; and
- B. A MBE Utilization Program to facilitate the participation of responsible certified minority business enterprises in goods and services contracts awarded by the Commission, other than those covered by the program for design/build and construction contracts.

## **II. SLBE PURPOSE STATEMENT**

In accordance with §20-302 thru §20-304 of Public Utilities Article, Maryland Annotated Code, WSSC may establish:

- A. SLBE Program to assist small businesses in Montgomery County and Prince George's County by:
  - 1. Establishing a sheltered market or other appropriate preference; or
  - 2. Facilitating the award of Commission construction contracts or procurement contracts for Goods and Services to small businesses in Montgomery County and Prince George's County.

## **III. MBE and SLBE REGULATIONS**

Click the link below to access WSSC Code of Regulations Chapter 6.30 and Chapter 6.35 or cut and paste the link in your web browser:

<https://wssc.district.codes/>

**SPECIAL NOTE:** If any of the information contained within this section conflicts with the MBE or SLBE Program Regulations (WSSC Code of Regulations Chapter 6.30 or Chapter 6.35), the Program Regulations will take precedence.

#### IV. MBE/SLBE GOAL

Solicitation/Contract No.: \_\_\_\_\_

Contract/Project Title: \_\_\_\_\_

This Solicitation contains the following Subcontracting Goal (as a percentage of the total Contract value, inclusive of Amendments, Change Orders, etc.):

**MBE/SLBE Goal:** \_\_\_\_\_%

The subcontracting goal may be satisfied by the certified MBE classifications or WSSC Water-Approved SLBE firms at the levels indicated below:

| Contracting Area | African American | Asian American | Hispanic American | Native American  | Women-Owned    | WSSC Water-Approved SLBEs |
|------------------|------------------|----------------|-------------------|------------------|----------------|---------------------------|
| Construction     | FULL             | NONE           | PARTIAL<br>13%    | PARTIAL<br>0.50% | PARTIAL<br>14% | FULL                      |

- A certified African American firm may count fully and fulfill the entire Subcontracting Goal.
- A certified Asian American firm may not count toward the Subcontracting Goal.
- A certified Hispanic American firm may count partially and fulfill 13% of the Subcontracting Goal.
- A certified Native American firm may count partially and fulfill .50% of the Subcontracting Goal.
- A certified Women-Owned firm may count partially and fulfill 14% the Subcontracting Goal.
- A certified WSSC Water Approved SLBE firm may count fully and fulfill the entire Subcontracting Goal.

**Please note that ALL Bidders/Proposers regardless of MBE/WBE/DBE or SLBE/SLBE-SDV status(es) are required to address the subcontracting goal indicated above.**

The OSDI will validate the status of all certified MBEs or WSSC Water-Approved SLBEs as indicated on the submitted Subcontracting and Supplier Certification Form(s).

**A subcontract participation plan that is accepted by the Commission will be incorporated into the contract requirements and will be subject to the Commission's contract compliance policy.**

**Full/Partial Waiver Requests:** No Bidder or Proposer shall be awarded a contract unless the OSDI determines that the Bidder or Proposer has satisfied WSSC Water's Good Faith Efforts requirements contained in the solicitation document. For more information regarding Good Faith Efforts, review the information here: [WSSC Water Good Faith Efforts Guide](#).

## V. POSSIBLE SUBCONTRACTING OPPORTUNITIES

The Office of Supplier Diversity & Inclusion (“OSDI”) has identified the following **potential** subcontracting opportunities indicated below:

## **VI. ADMINISTRATION OF THE MBE AND SLBE PROGRAMS**

The Office of Supplier Diversity & Inclusion (“OSDI”) administers both the MBE and SLBE Programs. The OSDI will review and validate information submitted by bidders or proposers pre-award and primes post-award.

To assist bidders or proposers in this effort, the OSDI has set forth in this Solicitation document, the MBE or SLBE subcontracting goal within the relevant North American Industry Classification System codes (NAICS) for this contract and identified potential subcontracting opportunities.

A subcontract participation plan, if accepted by the Commission, will be incorporated into the contract requirements and will be subject to the Commission’s contract compliance policy. The MBE or SLBE subcontracting goals will be measured against the total contract value (inclusive of Amendments and Change Orders) over the life of the contract.

The Subcontracting and Supplier Certification form must include all MBE, SLBE and Non-minority subcontractors to be utilized on the contract, detail the services to be performed, the percentage of the work to be performed by each subcontractor, and the MBE certification number, if applicable.

**Full or Partial Waivers:** If a bidder or proposer requests a full or partial waiver, the OSDI will verify the Good Faith Effort to include and/or promote contracting opportunities with SLBEs, MBEs and WBEs to compete for business as subcontractors and/or suppliers. If requesting a full or partial waiver, a bidder or proposer is eligible for award of a WSSC Water contract upon determination by the OSDI that the bidder or proposer has utilized Good Faith Efforts to attract all businesses regardless of size, race or ethnicity.

**Substitution/Replacement of MBE/SLBE Subcontractors (typically applies Post Award):** No substitution/replacement for any MBE/SLBE subcontractor, vendor or supplier, previously selected by the prime shall be made without written notification to the Commission and the approval of the Commission. A prime cannot arbitrarily terminate an MBE/SLBE subcontractor and self-perform the work without requesting a waiver and written approval from the Commission. MBE/SLBE subcontractors may be replaced if they are unable or unwilling to perform the contracted work and/or other documented reasons. If it appears that the MBE/SLBE subcontracting goal cannot be achieved, the prime shall immediately notify the Commission in writing accompanied by the appropriate documentation. Good Faith Efforts used to meet at least a portion of the goal should be documented and submitted to the Commission for evaluation.

## **VII. NON-DISCRIMINATION POLICY**

Consistent with Section 19-101 et seq. of the State Finance & Procurement Article, Maryland Annotated Code, the Commission will not enter into a contract with any business entity that has discriminated in the Solicitation, selection or treatment of subcontractors, suppliers, vendors or commercial customers on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation or on the basis of disability or any otherwise unlawful use of characteristics regarding the vendor’s, supplier’s, or commercial customer's employees or owners.

## **VIII. MBE and SLBE PROGRAMS DETERMINATION OF GOOD FAITH EFFORTS (SUMMARY)**

No prospective bidder or proposer, requesting a full or partial waiver, shall be awarded a contract unless the OSDI determines that the bidder or proposer has satisfied the requirement of demonstrating a Good Faith Effort equal to or greater than a minimum of 90 out of 125 points for the evaluation criteria on the contract.

Accordingly, each bidder or proposer shall submit with the bid the following:

1. Declaration of Non-Discrimination: Each bidder or proposer shall submit with their bid/proposal a Declaration of Non-Discrimination.
2. Outreach Efforts Documentation: If requesting a full or partial waiver, each bidder or proposer shall submit with their bid a Subcontractor and Supplier Summary form, which is a contact form demonstrating the bidder's or proposer's outreach efforts to identify, contract with, or utilize all (i.e., MBEs, WBEs and Non-MBE/WBEs) potential subcontractors or suppliers on the contract.
3. MBE/SLBE Participation Plan (if applicable): Each bidder shall submit with their MBE/SLBE Participation Plan the name, address, telephone number and contact person of each subcontractor or supplier to be used during the contract, the NAICS Code and the type of work or service each business will perform, the percentage of the work and the scope of work, certificate number of each business, and any other information requested by the OSDI.
4. MBE Certification (if applicable): The OSDI shall verify that all entities claiming MBE status have been validly certified by either: The state certification agency designated under Section 14-303(b) of the State Finance and Procurement Article (or any successor Section thereto); or by any other certification program that the Commission determines substantially duplicates the requirements of the state certification agency, provided that, before accepting an alternate certification, the Commission examines that program to ensure compliance with the requirements of Section 20-204(c) of the Public Utilities Article (or any successor Section thereto). The following is a list of third-party certification agencies that are recognized by the Commission's MBE Program:
  - Maryland Department of Transportation (MDOT)
  - Prince George's County Supplier Development & Diversity Division (SDDD)
  - District of Columbia's Department of Small and Local Business Development (DC- DSLBD)
  - Capital Region Minority Supplier Development Council (CRMSDC)
  - Women's Business Enterprise Council Greater DMV (WBEC)

### Reciprocity of Minority/Women Business Enterprise Certification

The OSDI may consider for approval a firm(s) that is certified by other certifying agencies that substantially duplicates the state certification agency requirements. Expressed approval is required from the OSDI for M/WBE certification reciprocity prior to the submission of bids/proposals. If granted M/WBE certification reciprocity, a firm will be entitled to the MBE Program preferences outlined in WSSC Code of Regulations Chapter 6.30 (or successor). To learn more about M/WBE certification reciprocity please contact the OSDI by telephone at 301-206-8800 or via email at [supplierdiversity@wsscwater.com](mailto:supplierdiversity@wsscwater.com).

### Determination of Good Faith Efforts

The GFE will be determined on a point system. Points are awarded for Indicators 1 through 13 when required and completed documentation is submitted at the time the partial or full waiver is being requested (i.e., at bid or post-award).

Points are awarded for each Indicator on an “all or nothing” basis. Points are not awarded for bid documentation deemed to be partially completed. There are 13 Indicators for the GFE documentation. Indicators 1 through 13 award points when the required documentation is submitted. **Failure to include the required and completed GFE documentation and failure to achieve a minimum of 90 out of 125 points may render the bid non-responsive and could result in its rejection.**

**Points for each Indicator:**

| Indicator: | 1 | 2 | 3 | 4  | 5 | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | Total |
|------------|---|---|---|----|---|----|----|----|----|----|----|----|----|-------|
| Points:    | 5 | 5 | 5 | 10 | 5 | 10 | 10 | 15 | 15 | 15 | 10 | 10 | 10 | 125   |

Each Indicator has a different point value equal to 5, 10 or 15 and several Indicators are given credit in two or more areas. For example, acceptable documentation submitted for:

- Indicators 1, 2 and 3 credit also satisfies Indicator 5

Indicators 8, 9 and 10 are each worth (15) points. Without sufficient documentation for Indicator 10 (including all MBE/SLBE firms that submitted bids and a summary sheet) your firm will not be able to achieve the minimum 90 points.

| Indicator | Good Faith Efforts Criteria Summary Description                                                           |
|-----------|-----------------------------------------------------------------------------------------------------------|
| 1         | Evidence of ads regarding subcontracting opportunities                                                    |
| 2         | List of MBE/SLBE firms contacted                                                                          |
| 3         | List of subcontracting opportunities                                                                      |
| 4         | Information sent to potential subcontracting firms                                                        |
| 5         | Evidence of justifiable rejection of bid                                                                  |
| 6         | Assist MBEs/SLBEs to obtain bonding and/or insurance                                                      |
| 7         | Evidence of use of WSSC Water’s Supplier Portal and the Office of Supplier Diversity & Inclusion (“OSDI”) |
| 8         | List of MBEs/SLBEs invited to bid on subcontracting work - Not available to work                          |
| 9         | List of MBEs/SLBEs invited to bid on subcontracting work - Did not respond to IFB                         |
| 10        | List of MBEs/SLBEs invited to bid on subcontracting work - Not low acceptable bid or fiscally sound       |
| 11        | List of selected portions of subcontracting work                                                          |
| 12        | Evidence that MBEs/SLBEs were invited to meetings                                                         |
| 13        | Evidence of written notice of Prime’s intent to bid and invitation for potential Subcontractors for work  |

For more information regarding WSSC Water’s GFE, review the information here: [WSSC Water Good Faith Efforts Guide](#).

## **IX. MBE/SLBE PROGRAMS - RFP/IFB SUBMITTALS**

The Declaration of Non-Discrimination, GFE documentation, and MBE/SLBE Participation Plan(s), and any other information required by the OSDI in the Solicitation document must be completed by each bidder or proposer and submitted with the other required bid or proposal documentation for the bid or proposal to be considered responsive. Failure to timely submit these forms, fully completed may result in the bid or proposal being considered as non-responsive, and therefore excluded from consideration.

**Note:** The OSDI will validate all Subcontracting Plans for MBE, SLBE and Non-MBE participation, and GFE submitted by the bidders or proposers.

## **X. SUBCONTRACTING AND SUPPLIER COMPLIANCE REPORTING**

### Submission of Appropriate Certification Form(s)

The Commission requires all bidders or proposers to identify ALL subcontractor(s) and/or supplier(s) to be utilized under this contract.

**Each bidder or proposer must submit, at the time of bid, the appropriate completed MBE and SLBE Subcontracting and Supplier Certification form with two (2) authorized signatures.** Failure to submit the appropriate Certification form(s) may render the bid non-responsive, and the bid may not be considered for award.

### Compliance Reporting Requirement

The Commission requires all prime contractors to report subcontractor(s) and supplier(s) payments on a monthly basis utilizing the Commission's web-based tracking and compliance system. The prime contractor shall enter all payments, and the subcontractor(s) or supplier(s) shall validate payments received. Instructions on entering payment data will be distributed to the successful awardee (prime contractor) and subcontractor(s) or supplier(s).

Failure to report payments on the web-based system as described above may result in the delay of payment(s). Final payment may not be made until the subcontractor(s) and supplier(s) payment(s) are reported and verified. Failure to comply with all or part of the MBE and SLBE Programs goals may result in the prime contractor not being awarded additional contracts by the Commission.

**Failure to comply with the requirements of this Clause will be considered in determining if the Commission will exercise the renewal option under this contract and/or future contracts with the Commission.** A determination of non-compliance on any WSSC Water-funded contract will be used in the determination of any future contracts, Change Orders, Amendments, and/or Option years with the Commission.

Prime contractors are required to pay subcontractors for satisfactory performance of their contracts no later than fifteen (15) days from receipt of subcontractors' invoice on WSSC Water-funded projects; and pay subcontractors retainage within fifteen (15) days after the subcontractor's work is satisfactorily completed.

## **XI. WSSC'S AUDIT CLAUSE**

### **Audit Right and Retention of Records**

The Commission shall have the right, upon serving reasonably advanced notice and during ordinary business hours, to audit the books, records, and accounts of a contractor and its subcontractor(s). Prime contractor and its subcontractor(s) shall keep such books, records, and accounts as may be necessary, in order to record complete and correct entries related to the contract. All books, records, and accounts shall be kept in written form or in a form capable of conversion into written form within a reasonable time. Upon request to do so, a contractor or its subcontractor(s), as applicable, shall make the same available at no cost to the Commission, in written form.

Prime contractors and its subcontractor(s) shall preserve and make available, at reasonable times for examination and audit by the Commission, all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for the required retention period, in accordance with the Maryland Public Information Act Manual (8th edition, December 2000), *Right of Access to Records*, SG 10-617(f)(3), as may be amended from time to time, if applicable, or, if the Maryland Public Information Act is not applicable, for a minimum period of five (5) years after termination of this Agreement. If any audit has been initiated and audit findings have not been resolved at the end of the retention period or three (3) years, whichever is longer, the books, records, and accounts shall be retained until resolution of the audit findings. If the Maryland Public Information Act is determined by the Commission to be applicable to a contractor and its subcontractor(s), they shall comply with all requirements thereof; however, no confidentiality or non-disclosure requirement of either federal or state law shall be violated by a contractor or its subcontractor(s). Any incomplete or incorrect entry in such books, records, and accounts shall be a basis for a contractor disallowance and recovery of any payment upon such entry. Prime contractors shall, by written contract, require its subcontractor(s) to agree to the requirement and obligations of this Clause.

## **XII. DETERMINATION OF COMMERCIALLY USEFUL FUNCTION**

The Commission defines Commercially Useful Function as follows:

A business enterprise or firm performs a Commercially Useful Function when, based on all relevant facts and circumstances, it is responsible for execution of the work of the contract by actually performing, managing and supervising the work involved. Thus, the enterprise or firm must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for the material itself. An MBE or SLBE **does not** perform a Commercially Useful Function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of MBE or SLBE participation. In determining whether an MBE or SLBE is such an extra participant, the Office of Supplier Diversity & Inclusion will examine similar transactions, particularly those in which MBEs or SLBEs do not participate.

***Example:*** A certified MBE or WSSC Water-Approved SLBE prime contractor is not considered to be performing a Commercially Useful Function if it is requiring that the subcontractor perform all aspects of the contract as if the subcontractor had independently bid and been awarded the contract as the prime.

The Commission seeks to prevent a certified MBE or WSSC Water-Approved SLBE prime contractor from acting as a “pass-through” or “front,” exchanging the benefits of certification and/or approval for payment from a non-certified/non-approved business. When subcontracting to MBE or SLBE subcontractors, the intent is for the subcontractor to provide goods or services required for the performance of the contract rather than artificial or incidental participation that provides an “appearance” of participation to meet the socio-economic objectives of

these programs. Typically, the determination of whether an MBE or WSSC Water-Approved SLBE is performing a Commercially Useful Function is determined during the certification process (by the certifying entities accepted by the Commission) for MBE firms and during the approval process for SLBE firms.

As part of the bid evaluation process, the bidder must provide proof sufficient to satisfy that a Commercially Useful Function will be performed by the bidder, subcontractor or supplier specific to the work identified in the statement of work or contract. To ensure compliance prior to contract award, the Commission must obtain documentation of Commercially Useful Function with any bid submitted by or that includes a certified MBE or WSSC Water-Approved SLBE firm.

Failure of a certified MBE or WSSC Water-Approved SLBE firm to demonstrate performance of a Commercially Useful Function, when bidding as a prime contractor, will result in that certified MBE and/or WSSC Water-Approved SLBE bidder being eliminated from consideration. When the analysis discloses that a certified/approved subcontractor/supplier is not providing a Commercially Useful Function, a contract may still be awarded if the prime contractor is a responsible Bidder without the involvement of the firm that has been determined not to provide a Commercially Useful Function and/or the work can be performed by an alternate(s) MBE or SLBE firm where the substitution is determined to have no material effect on the bid.

The OSDI must review information provided on the Bidder Declaration to determine whether certified MBE or WSSC Water-Approved SLBE firms are performing a Commercially Useful Function. Supplemental information related to supplier roles and responsibilities might also be provided in other sections of the bid.

During the evaluation, if permitted for the particular Solicitation, the Office of Supplier Diversity & Inclusion, through the Buyer, may seek clarification through written request to the bidder. Evaluators might also need to perform additional research or market analysis.

For more information on Commercially Useful Function, review WSSC Water's [Good Faith Efforts Guide](#).

### **XIII. FORMS CHECKLIST**

Solicitation/Contract No.: \_\_\_\_\_

Contract/Project Title: \_\_\_\_\_

#### **Guidelines**

1. Bidders and proposers are prohibited from requiring prospective subcontractor(s) or supplier(s) pre-signed with ink or a pre-signed photocopy of blank Certification Forms.
2. Bidders and proposers are prohibited from maintaining on file pre-signed by prospective subcontractor(s) or supplier(s) blank Certification Forms.
3. All forms must include two (2) authorized signatures.
  - a. Use the applicable mandatory form and complete and submit at the time of bid a signed Certification Form for the applicable contract.
  - b. Complete and submit at the time of bid a signed Non-Discrimination Declaration and Good Faith Efforts Affidavit.
  - c. If requesting a waiver, complete and submit with applicable documentation at the time of bid a signed Unavailability Form.
  - d. If requesting a waiver, complete and submit with applicable documentation at the time of bid a signed Subcontractors and Suppliers Summary Contact Form.

#### **Checklist**

- ☐ Non-Discrimination Declaration – Required with all proposals
- ☐ Good Faith Efforts Affidavit – Required with all proposals
- ☐ Subcontracting and Supplier Certification Form
- ☐ MBE/SLBE Unavailability – Required if submitting a waiver request
- ☐ All Subcontractor and Supplier Summary Contact – Optional submission

### **XIV. CERTIFICATION FORMS**

The following Certification forms are attached:

1. Good Faith Efforts Affidavit
2. WSSC Water Non-Discrimination Declaration
3. MBE/SLBE Unavailability Form
4. All Subcontractors and Suppliers Summary Contact Form

**WASHINGTON SUBURBAN SANITARY COMMISSION**  
**GOOD FAITH EFFORTS AFFIDAVIT**

It is the policy of the Washington Suburban Sanitary Commission (WSSC, WSSC Water, Commission) to involve qualified Minority/Women-Owned Business Enterprises (MBE/WBE) and Small Local Business Enterprises (SLBE) on WSSC Water contracts. WSSC Water and its prime contractors shall not discriminate on the basis of race, color, religion, national origin, or sex in the award and performance of contracts. In consideration of this policy, WSSC Water has established the Good Faith Efforts (GFE) Guide for all WSSC Water contracts.

**MBE/SLBE/SLBE-SDV Participation Goals**

WSSC Water has approved by Resolution, race- and gender-conscious remedies through its minority business enterprise program codified in MBE Program Regulation, WSSC Code of Regulations, Chapter 6.30, and a small local business enterprise program codified in SLBE Program Regulation, WSSC Code of Regulations, Chapter 6.35. Both regulations authorize the Office of Supplier Diversity & Inclusion (OSDI) Director to establish subcontracting goals in WSSC Water contracts.

**Complete the following information:**

Solicitation/Contract Number: \_\_\_\_\_ **Total MBE/SLBE Subcontracting:** \_\_\_\_\_%

The apparent low bidder/proposer shall agree to meet the established subcontracting goal or must demonstrate and document its GFE to include MBEs/WBEs or SLBEs in subcontracting or purchase of material supplies opportunities when requesting a full or partial waiver. The apparent low bidder/proposer who fails to adequately document GFE, when requesting a waiver, to subcontract or purchase significant material supplies from MBEs/WBEs or SLBEs may be denied award of the contract by WSSC Water based on the prime contractor's failure to be a responsive or responsible bidder/proposer.

**Certification:** By signing below, I agree that I understand the GFE Criteria, Evaluation Point System and all information pertaining to the submission of GFE documentation, and I agree to provide WSSC Water's Office of Supplier Diversity & Inclusion with a completed copy of all required forms provided within the GFE Guide when requesting a full or partial waiver at the time of bid or at any point throughout the life of the contract. I understand that, if applicable, if I fail to provide all the required documents at the time of submission of my bid packet or proposal package, my bid may be deemed non-responsive or non-responsible and I may be denied award of the contract.

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Solicitation Number/Contract Title

**WASHINGTON SUBURBAN SANITARY COMMISSION**  
**SUBCONTRACTING AND SUPPLIER CERTIFICATION FORM**

The undersigned certify that they shall enter into an Agreement to provide services to the Washington Suburban Sanitary Commission. In addition, by their signatures below, the undersigned hereby agree that they shall permit the Washington Suburban Sanitary Commission to conduct audits of the undersigned in accordance with Chapter 6.15.450 of WSSC's Procurement Regulations.

Solicitation/Contract Number: \_\_\_\_\_ Project Name: \_\_\_\_\_

Contract Value: \$\_\_\_\_\_ Federally Funded Contract: Yes ☐ No ☐

1. Please check the appropriate business classifications for the **Prime Contractor/Consultant (check all that apply)**:

☐ Certified Minority Business Enterprise Firm ☐ WSSC Water Approved Small Local Business Enterprise Firm ☐ African American ☐ Hispanic American ☐ Asian American ☐ Native American  
☐ Female/Women-Owned/WBE ☐ Majority, Non-Designated

2. Please check the appropriate business classifications for the **Subcontractor/Supplier (check all that apply)**:

☐ Certified Minority Business Enterprise Firm ☐ WSSC Water Approved Small Local Business Enterprise Firm ☐ African American ☐ Hispanic American ☐ Asian American ☐ Native American  
☐ Female/Women-Owned/WBE ☐ Majority, Non-Designated

MBE Certifying Agency Name: \_\_\_\_\_ Certification No. \_\_\_\_\_

Name and Address of **Prime Contractor/Consultant**

Name and Address of **MAJORITY/MBE/SLBE Subcontractor/Supplier:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Value of Subcontracted or Supplier Services/Commodities: \$\_\_\_\_\_ Percentage of Contract Value: \_\_\_\_\_%

**CERTIFICATION: We certify that we shall enter into a valid Agreement to perform the work as described for the percentage of the Total Price above.**

\_\_\_\_\_  
Prime Contractor/Consultant (Authorized Signature)

\_\_\_\_\_  
Subcontractor (Authorized Signature)

\_\_\_\_\_  
Title & Date of Person Signing

\_\_\_\_\_  
Title & Date of Person Signing

\_\_\_\_\_  
Witness/Attest

\_\_\_\_\_  
Witness/Attest

\_\_\_\_\_  
Signature/Title of Person

\_\_\_\_\_  
Signature/Title of Person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**WASHINGTON SUBURBAN SANITARY COMMISSION**  
**SUBCONTRACTING AND SUPPLIER CERTIFICATION FORM**

The undersigned certify that they shall enter into an Agreement to provide services to the Washington Suburban Sanitary Commission. **In addition, by their signatures below, the undersigned hereby agree that they shall permit the Washington Suburban Sanitary Commission to conduct audits of the undersigned in accordance with § 4-602 of WSSC's Procurement Regulations.**

Solicitation/Contract Number: \_\_\_\_\_ Project Name: \_\_\_\_\_

Prime Contractor/Consultant.: \_\_\_\_\_

Subcontractor/Supplier: \_\_\_\_\_

Detailed Description and Plan of Subcontracted or Supplier, Services or Commodities:

Include Primary NAICS Code for Services (Maximum 2)

**WASHINGTON SUBURBAN SANITARY COMMISSION**  
**NON-DISCRIMINATION DECLARATION**

The undersigned understands that it is the policy of WSSC Water to promote full and equal business opportunities for all businesses seeking or conducting business with WSSC Water. The undersigned declares that we have not discriminated on the basis of a firm's revenue or employee size with regard to prime contracting, subcontracting or partnering opportunities. The undersigned further declares that we have completed truthfully and fully the required Subcontracting certificates included in this document as applicable. Set forth below is the signature of the officer of the bidding entity with the authority to bind the entity.

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Printed Name of Authorized Officer

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Signature of Authorized Officer

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Firm Name

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Solicitation Number and Project Title

Signed and sealed on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me  
appeared \_\_\_\_\_, the authorized person for the bidding entity who signed above declaration in my  
presence.

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Notary Signature

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Date

(SEAL)

# **WASHINGTON SUBURBAN SANITARY COMMISSION**

## **MBE/SLBE UNAVAILABILITY FORM**

I, \_\_\_\_\_, \_\_\_\_\_  
(Print Name) (Title)  
of \_\_\_\_\_, certify that on \_\_\_\_\_, 20 \_\_\_\_  
(Firm Name) (Date)

I contacted the following MBE or SLBE to obtain a bid for work items to be performed on

Solicitation/Contract Number: \_\_\_\_\_

Project/Contract Name: \_\_\_\_\_

Company Name (Print): \_\_\_\_\_

Services Sought (Describe): \_\_\_\_\_

Form of Bid Sought (i.e., Unit Price, Materials and Labor, Labor Only, etc.): \_\_\_\_\_

**CERTIFICATION:** (To Be Completed by the Prime) To the best of my knowledge and belief, the said MBE/SLBE was unavailable (exclusive of unavailability due to lack of agreement on price) for the service(s) sought on this contract, or unable to prepare a bid, for the following reason(s) provided by the MBE/SLBE:

Authorized Signature (Contractor): \_\_\_\_\_

Print Name & Title: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ was offered an opportunity to bid as a Subcontractor on the above  
(Name of MBE/SLBE)

Solicitation/Contract Number on \_\_\_\_\_, 20 \_\_\_\_ by \_\_\_\_\_  
(Source)

(Seal)

**CERTIFICATION:** (To Be Completed by the Subcontractor) I certify that the above statement is a true and accurate account of why the stated MBE/SLBE named on this certificate did not submit a bid as a subcontractor on this Solicitation/Contract.

Authorized Signature (MBE/SLBE): \_\_\_\_\_

Print Name & Title: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

(Seal)

**WASHINGTON SUBURBAN SANITARY COMMISSION**  
**ALL SUBCONTRACTORS AND SUPPLIERS CONTACT SUMMARY FORM**

Note: Must be submitted with a Request for Waiver, otherwise may be submitted as an optional document for information purposes only.

Bidder or Proposer Name: \_\_\_\_\_

Bidder or Proposer shall record their contacts with all subcontractors or suppliers. Additional forms may be copied if needed. Indicate Page number and initial.

| Name of<br>MBE/SLBE<br>Subcontractor/<br>Supplier | Contact Name<br>Address Phone<br>No. | Type of<br>Work | Good Faith Effort<br>Division of Work | Phone Contact   |                             | Type of<br>Classification<br>and Business | Date<br>Solicitation<br>Letter/Fax<br>Sent | Results of Contact |
|---------------------------------------------------|--------------------------------------|-----------------|---------------------------------------|-----------------|-----------------------------|-------------------------------------------|--------------------------------------------|--------------------|
|                                                   |                                      |                 |                                       | Date of<br>Call | Person<br>Receiving<br>Call |                                           |                                            |                    |
|                                                   |                                      |                 |                                       |                 |                             |                                           |                                            |                    |
|                                                   |                                      |                 |                                       |                 |                             |                                           |                                            |                    |
|                                                   |                                      |                 |                                       |                 |                             |                                           |                                            |                    |

Type of Work: (A) Architectural & Engineering, (C) Construction, (G) Goods & Services, (P) Professional Services

Type of Classification: (AA) African American, (HA) Hispanic American, (SA) Asian American, (NA) Native American, (F/WBE) Female/Women-Owned Business Enterprise

Type of Businesses: (MBE) Minority Business Enterprise, (SLBE) Small Local Business Enterprise, (WBE) Women Business Enterprise

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Typed Name & Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Page: \_\_\_\_ of \_\_\_\_ \_\_\_\_\_

Initial Additional Page: \_\_\_\_\_