

# ATTACHMENT D

**RFP N<sup>o</sup>. R-24-06-01 | Engineering & Architectural Services**

## **Supplemental Forms:**

- **EPA Form #E1** – Regarding Debarments, and Suspensions
- **EPA Form #E2** – Certification of Equal Employment Opportunity & Non-Segregated Facilities
- **EPA Form #E3** – Disadvantaged Business Enterprise Good Faith Efforts Checklist

**Debarments and Suspensions**

Form #E1

The Bidder/Offerer is required to sign this form and return it to the Assistance Recipient for any DWSRF Equivalency or Grant-Funded project. In addition, if selected, the Bidder/Offerer must require any Sub-Contractor for contracts \$25,000 and above to sign and return this form to the Bidder/Offerer.

SRF Project Number:

Project Name:

Assistance Recipient:

Any bidder or equipment supplier whose firm or affiliate is listed in on the U.S. General Services Administration Excluded Parties List will be prohibited from the bidding process. The excluded parties records search engine is located at the System for Award Management (SAM) website: <https://www.sam.gov/SAM/>. Pursuant to 2 CFR Part 180, as supplemented by 2 CFR 1532, any entity submitting a bid while the SAM website lists that entity as having an active exclusion will be determined by the DNR to be a non-responsive bidder and will not be able to receive SRF funding.

**United States Environmental Protection Agency Washington, DC 20460  
Certification Regarding Debarment, Suspension, and  
Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U SC Sec. 10 01, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

\_\_\_\_\_  
Signature of Bidder/Offerer's Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Bidder's Authorized Representative

I am unable to certify to the above statements. My explanation is attached.

	<b>Certification of Equal Employment Opportunity and Non-Segregated Facilities</b>	<span style="background-color: yellow;">Form #E2</span>
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SRF Project Name \_\_\_\_\_ Project Number \_\_\_\_\_

SRF Assistance Recipient \_\_\_\_\_

The following certifications must be completed by the offerer for each contract.

**A. EQUAL EMPLOYMENT OPPORTUNITY:**

- I have developed and have on file at my establishment affirmative action programs pursuant to 41 CFR Part 60-2.
- I have participated in previous contract(s) or subcontract(s) subject to the equal opportunity clause under Executive Orders 11246 and 11375. I have filed all reports due under the requirements contained in 41 CFR 60-1.7.
- I have not participated in previous contract(s) subject to the equal opportunity clause under Executive Orders 11246 and 11375.
- I will obtain similar certifications from any proposed subcontractor(s), when appropriate.

**B. NONSEGREGATED FACILITIES**

- I certify that I do not and will not maintain any facilities provided for my employees in a segregated manner, or permit my employees to perform their services at any location under my control where segregated facilities are maintained; and that I will obtain a similar certification prior to the award of any federally assistance subcontract exceeding \$10,000 which is not exempt from the equal opportunity clause as required by 41 CFR 60-1.8.

**I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the contract award.**

\_\_\_\_\_  
 Typed Name and Title of Bidder's Authorized Representative

\_\_\_\_\_  
 Signature Date

\_\_\_\_\_  
 Name and Address of Bidder

	<b>Disadvantaged Business Enterprise Good Faith Efforts Checklist</b>	Form #E3
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This form and Good Faith Efforts Checklist must be completed and signed by the Prime Contractor **when hiring a subcontractor** and must be submitted to the project owner (SRF assistance recipient).

### Disadvantaged Business Enterprise (DBE) Solicitation Good-Faith Efforts

The Six Good Faith Efforts are required methods employed by all EPA financial assistance agreement recipients to ensure that Disadvantaged Business Enterprises (DBEs) have the opportunity to compete for contracts and subcontracts funded by EPA financial assistance dollars.

Prime Contractor's DBE requirements for SRF projects include:

- Taking affirmative steps for DBE participation
- Maintaining documentation of these affirmative steps

#### PROJECT INFORMATION

<b>SRF Project Number:</b>	
<b>SRF Project Name:</b>	
<b>Assistance Recipient:</b>	
<b>Prime Contractor:</b>	
<b>Address of Prime Contractor:</b>	
<b>Name &amp; Title of Prime Contractor's Authorized Representative</b>	
<b>Signature of Authorized Representative:</b>	
<b>Check if Prime Contractor is:</b> <input type="checkbox"/> <b>Minority-Owned</b> <input type="checkbox"/> <b>Women-Owned</b>	

Note: New Mexico's Certified Disadvantaged Business Enterprise Directory may be found online at <https://nmdotstar.com/links/>

In addition, NMED also accepts DBE certifications from the following entities:

- The Small Business Administration (SBA) (both SBA 8(a) Program certifications and SBA Small Disadvantaged Business (SDB) Program self-certifications);
- The Department of Transportation's (DOT) state implemented DBE Certification Program (with U.S. citizenship)
- Tribal, State and local governments, as long as their standards for certification meet or exceed EPA's; and
- Independent private organization certifications as long as their standards for certification meet or exceed EPA's.

### GOOD FAITH EFFORTS CHECKLIST

Please complete the checklist when soliciting subcontractors for the SRF Project noted above to determine if you have complied with the requirement to make good faith efforts to ensure that certified Disadvantaged Business Enterprises (DBEs) have the opportunity to compete for procurements funded by EPA financial assistance funds. Bidders/offerors must make good faith efforts prior to submission of bids/proposals.

1. Did you ensure that DBEs are made aware of subcontracting opportunities to the fullest extent practicable through outreach and recruitment activities?  Yes  No
  
2. Did you make information on forthcoming opportunities available to DBEs and arrange time frames for subcontracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process? This includes, whenever possible, posting solicitation for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.  Yes  No
  
3. Did you consider in the subcontracting process whether firms competing for large sub-contracts could subcontract with DBEs? This will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.  Yes  No
  
4. Did you encourage subcontracting with a consortium of DBEs when a subcontract is too large for one of these firms to handle individually?  Yes  No
  
5. Did you use the services of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce to identify potential subcontractors?  Yes  No
  
6. List the potential DBE subcontractors that were contacted.

Name	How Contacted (e.g. letter, phone call, fax, e-mail)	Response (e.g. did not respond, not interested, not competitive)

#### CONTRACT ADMINISTRATION PROVISIONS

Several contract provisions are required to prevent unfair practices that adversely affect DBEs. These include:

1. Prime Contractor must pay its Subcontractor for satisfactory performance no more than 30 days from the Prime Contractor's receipt of payment from the SRF loan recipient.
2. Prime Contractor must notify the SRF loan recipient in writing prior to termination of a DBE subcontractor for convenience.
3. Prime Contractor must employ the six Good Faith Efforts to solicit a replacement subcontractor if a DBE subcontractor fails to complete work under a subcontract for any reason.