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PHILADELPHIA REGIONAL PORT AUTHORITY

Diversity Inclusion Plan (Construction)

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I. POLICY STATEMENT

The Board of the Philadelphia Regional Port Authority, an independent agency of the Commonwealth of Pennsylvania, pursuant to Sections 697.4 and 697.6(c)(5) of the Philadelphia Regional Port Authority Act, has adopted a policy on diversity inclusion, set forth in Part X of the Contracting, Procurement, and Leasing Policies and Procedures, revised as of November 2015 (the “Diversity Inclusion Policy” or the “Policy”).

It is the policy of the Philadelphia Regional Port Authority (“PRPA”) to promote opportunities for full participation by Minority-owned, Women-owned, Veteran-owned or Service-Disabled-Veteran-owned and LGBT-owned small businesses, hereafter collectively referred to as disadvantaged business enterprises (“DBEs”) in all project-related construction contracts to the greatest extent feasible and to do so by insuring that all Prime Contractors do not discriminate in the solicitation, award and administration of construction subcontracts on PRPA’s projects.

Further, PRPA’s policy is to extend the applicability of the Diversity Inclusion Policy to other professional and non-professional services for which PRPA contracts.

II. DIVERSITY INCLUSION PLAN

A. DBE Requirements

PRPA shall take all necessary and appropriate steps to assure that its Prime Contractors do not discriminate and use DBEs in accordance with this Diversity Inclusion Plan (the “Diversity Inclusion Plan” or the “Plan”) for all project-related construction contract awards that exceed the bidding threshold established annually for authorities in Pennsylvania.¹

III. DEFINITIONS

A. Bidder Responsiveness - Actions taken by a Prime Bidder to seek participation by Subcontractors as defined below who are DBEs, and documented in the bid. Responsiveness includes submission at the time of the bid of the DBE Solicitation and Commitment Statement (similar in content to Exhibit 1), and, if needed, documentation providing an explanation for failure to achieve minimum levels of participation (MPLs). This documentation must demonstrate that the bidder has not engaged in discriminatory practices and may include a description of any barriers or impediments encountered despite the actions taken.

B. Bidder Responsibility – Demonstration of non-discrimination in the selection of Subcontractors. Bidders are presumed to meet these responsibilities if minimum participation levels established for the project on the pertinent subcontract are achieved. Non-discrimination can also be demonstrated by submitting

¹ Although the Plan is termed the “Diversity Inclusion Plan,” the intent of the Plan is to achieve both Diversity and Inclusion, as two distinct characteristics, with respect to its construction contracts.

supplemental evidence that failure to achieve the MPLs was not motivated by consideration of race, gender or other impermissible criterion; that DBEs were not treated less favorably than others; and that solicitation and commitment decisions were not based upon policies which disparately affect DBEs.

C. Business Enterprise - Any legal entity that is organized in any form other than as a joint venture (e.g., sole proprietorship, partnership, corporation, etc.) to engage in lawful commercial transactions.

D. Contractor - An entity that contracts with the PRPA to perform work in connection with a construction project.

E. Control - The exclusive, ultimate and sole control of a business including, but not limited to, capital investment and all other financial, property acquisition, contract negotiation, and legal matters, officer-director-employee selection and comprehensive hiring, operating responsibility, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or partners. Control shall be real, substantial, and continuing, not merely pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possession of the requisite knowledge and expertise to operate the particular business. Control shall not be vested in majority or absentee ownership. Control by a DBE defined herein shall not be deemed to exist in any case where any majority owner or employee of the business is disproportionately responsible for the operation of the firm.

F. Disadvantaged Business Enterprise (DBE)

A Business Enterprise that is:

1. an MBE
2. a WBE
3. a Veteran or Service-Disabled Veteran Business Enterprise
4. an LGBT Business Enterprise

G. LGBT Business Enterprise

A Business Enterprise that is:

1. a sole proprietorship, owned and controlled by a LGBT Person; or
2. a partnership or joint venture of Business Enterprises controlled by LGBT Persons in which 51% of the beneficial ownership interest is held by LGBT Persons; or

3. a corporation or other entity controlled by LGBT Persons in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by LGBT Persons.

H. LGBT Person

Persons who identify as lesbian, gay, bisexual, or transgender.

I. Minority Business Enterprise (MBE)

A Business Enterprise that is:

1. a sole proprietorship, owned and controlled by a Minority Person; or
2. a partnership or joint venture of Business Enterprises controlled by Minority Persons in which 51% of the beneficial ownership interest is held by Minority Persons; or
3. a corporation or other entity controlled by Minority Persons in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by Minority Persons.

J. Minority Person

Persons who are citizens of the United States and who are Black Americans, Hispanic Americans, Native Americans, Asian-Indian Americans, or Asian-Pacific Americans.

1. Black (African) Americans - Persons having origins from any of the Black groups of Africa. The term includes persons having origins in any of the original peoples of the Cape Verdes Islands.
2. Hispanic Americans - Persons having their origins from one or more of the Spanish- speaking peoples of Mexico, Puerto Rico, Cuba, Central or South America or the Caribbean Islands.
3. Native Americans - Persons having origins from one or more of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.
4. Asian-Indian – Persons having origins from one or more countries in south Asia, including India and Pakistan.
5. Asian-Pacific Americans - Persons having origins from one or more of the original peoples of the Far East, Southeast Asia or the Pacific Islands, including China, Japan, Korea, Samoa, and the Philippine Islands.

K. Owner – PRPA

L. Prime Bidder and Prime Contractor

For DBE purposes, the term, “Prime Bidder” means a Business Enterprise that submits a bid to PRPA (e.g., general contractors, plumbing contractors). A Prime Contractor is a Prime Bidder that has received an award from PRPA.

M. Service-Disabled Veteran Business Enterprise. A Business Enterprise that is:

1. a sole proprietorship, owned and controlled by a Service-Disabled Veteran; or
2. a partnership or joint venture of Business Enterprises controlled by Service-Disabled Veterans in which 51% of the beneficial ownership interest is held by Service-Disabled Veterans; or
3. a corporation or other entity controlled by Service-Disabled Veterans in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by Service-Disabled Veterans.

N. Service-Disabled Veteran.

Persons who are Veterans and either (1) are “disabled veterans” as defined in 5 USC 2108(2) (i.e. “individuals who have served on active duty in the armed forces, have been separated therefrom under honorable conditions, and have established the present existence of a service-connected disability or are receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or military department”) or (2) have a disability as defined in the Social Security regulations, 42 USC 423 (i.e. “an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted, or can be expected to last for a continuous period of not less than 12 months”) and have a present determination of a disability by the Social Security Administration or Veterans Administration.

O. Subcontractor. A Business Enterprise that has a contract with a Prime Contractor to supply labor, equipment, materials or supplies for a project as a manufacturer, vendor, supplier or subcontractor.

P. Veteran. Persons who served in honorably in the United States military.

Q. Veteran Business Enterprise.

1. a sole proprietorship, owned and controlled by a Veteran; or
2. a partnership or joint venture of Business Enterprises controlled by Veterans in which 51% of the beneficial ownership interest is held by Veterans; or

3. a corporation or other entity controlled by Veterans in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by Veterans.

R. Women's Business Enterprise (WBE). A Business Enterprise that is:

1. a sole proprietorship, owned and controlled by a Woman; or
2. a partnership or joint venture of Business Enterprises controlled by Women in which 51% of the beneficial ownership interest is held by Women; or
3. a corporation or other entity controlled by Women in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by Women.

S. Women. United States citizens who are of the female gender.

IV. **CONTRACTOR COMPLIANCE GENERALLY**

A. Minimum Participation Levels (MPLs)

PRPA will establish minimum participation levels (MPLs) for the DBEs on a project-by-project basis. The MPLs will be established for each prime bid to be used solely as a guide in determining Prime Bidder responsibility. MPLs are applied to each bid category. The MPLs will vary based on the market availability of subcontracting opportunities for DBE's, on a project-by-project basis.

PRPA shall endeavor to establish MPLs on the basis of actual market availability that matches the scope of work included in the project and available DBE firms, on a project-by-project basis with separate participation levels for the DBE categories.

B. Bidder's Submissions at Time of Bid

The Prime Bidder shall submit the DBE Solicitation and Commitment Statement (similar in content to Exhibit 1) with its bid, showing efforts made to solicit DBE Subcontractors, and written confirmations of the intent to use the identified Subcontractors if awarded the prime contract. Prime Contractor's DBE Contact/Solicitation and Commitment Statement shall include the names of all companies and individuals contacted or solicited for participation in the project, the type of work, material, supplies or equipment involved in the solicitation, the total dollar amount of each quote received, the time of solicitation, and, where applicable, the total dollar amount of each subcontract that would be awarded.

C. Safe Harbor and Compliance at Time of Bidding

In the absence of evidence to the contrary, compliance with the requirements under this Plan to demonstrate both bidder responsiveness and responsibility is presumed if MPLs are achieved.

If MPLs are not met, the Prime Bidder shall document why it was not feasible to meet the numerical levels by submitting evidence that failure to achieve MPLs was not motivated by consideration of race or gender, or other disadvantaged status; that DBEs were not treated less favorably than others; that solicitation and commitment decisions were not based upon policies which disparately affect DBEs. Justification for not meeting the MPLs may include impediments encountered despite actions taken.

PRPA shall send a letter to each Prime Bidder receiving an award on the project that provides information on compliance with DBE requirements, using the Standard Form of PRPA's Letter to Prime Contractor After Award of Contract (similar in content to Exhibit 2).

The successful Prime Contractor shall, within three days of receipt of PRPA's letter, provide notification to each of the DBE Subcontractors of the award and shall request confirmation of the amount of the subcontract and the source of the Subcontractor's certification, using the Standard Form of Prime Contractor's Letter to Subcontractors After Notice of Award to Prime Contractors (similar in content to Exhibit 3).

D. Compliance Responsibilities – PRPA and Prime Contractor

PRPA has the responsibility to comply with the requirements under this Plan and ensure non-discrimination in the selection of Subcontractors, and in the administration of the project.

Prime Contractor has the responsibility to meet its commitments made during bidding by utilizing each Subcontractor it selected to the full extent of the subcontract value. The failure to meet minimum participation levels at the completion of two projects shall warrant Prime Contractor's disqualification from contracting with PRPA for a period of six months and the imposition of liquidated damages in the amount of 10% of the dollar amount of the shortfall in the commitment to compensate PRPA for the administrative costs of addressing the deficiency and not as a penalty.

E. Prime Contractor's Submissions during Project Administration

Prime Contractor shall submit periodic reports as specified in this Plan and in the Contract Documents. Specifically, Prime Contractor shall submit the Prime Contractor DBE Monthly Reporting Form Summarizing Payments Made (similar in content to Exhibit 4) for each project. Further, Prime Contractor shall require and cause its Subcontractors to submit the Subcontractor's DBE Monthly Reporting Form Summarizing Payments Received (similar in content to Exhibit 5) directly to PRPA. Both forms shall be coordinated temporally or by pay period, meaning that the same periods of time shall be used on both forms when submitted, using the dates of the checks, fund transfers, etc.

V. **PROCEDURES – CLAUSES INCLUDED IN BIDDING AND CONTRACT DOCUMENTS**

PRPA shall insert the following in the appropriate contract document, establishing requirements applicable to the Prime Bidder:

A. Advertisement / Invitation for Bid (IFB)

All advertisements for IFB will include the following statement:

“The bidder must submit documentary evidence of solicitations from DBEs, which have been contacted and to which commitments have been made. Documentation of contract solicitations and commitments shall be submitted concurrently with the bid.”

B. Instructions to Bidders (ITB)

The following statements will be placed in the bid documents, establishing requirements applicable to the Prime Bidder:

1. Participation Level

- a. PRPA has established the following minimum participation levels (MPLs) for Disadvantaged Business Enterprises in accordance with a policy on diversity inclusion, set forth in Part X of the Contracting, Procurement, and Leasing Policies and Procedures, revised as of November 2015, the provisions of which are incorporated as though fully set forth herein.

- MBEs _____% of the total dollar amount of the _____ contract
- WBEs _____% of the total dollar amount of the _____ contract
- Veteran or Service-Disabled Veteran Business Enterprise _____% of the total dollar amount of the _____ contract

- LGBT Business Enterprise _____% of the total dollar amount of the _____ contract

To be credited with minimum participation, the Prime Bidder must provide a minimum of _____% participation in any category selected, must select at least two categories, and must have a total participation of _____%.

MPLs are established for this project to be used solely as a threshold in determining Prime Bidder responsibility. Prime Bidders are presumed to meet their responsibilities under the Policy if the dollar commitments to the DBEs reflect these participation levels. A Prime Bidder will not be rejected as non-responsible solely because it fails to reach the MPLs. To determine the participation level that has been reached, a Prime Bidder shall divide the total dollar amount of the commitments for the project by the total dollar amount of the Prime Bidder's contract award.

- b. DBE subcontracts will be credited toward the MPLs at 100%. DBE stocking suppliers and manufacturers are credited at 100%. DBE non-stocking suppliers, which are commonly and ordinarily the custom in the industry and a part of the industry's trade practices, are credited at 100%. Non-stocking suppliers, which are not commonly and ordinarily the custom in the industry nor a part of the industry's trade practice, are not credited.
- c. A prospective Subcontractor that qualifies in one, two, three or all four categories, will only receive credit toward MPLs as one but not more than one. Prime Bidders must indicate on the DBE Solicitation and Commitment Statement (similar in content to Exhibit 1) how the prospective Subcontractor should be credited.
- d. A DBE which is the Prime Bidder on a project with a contract valued at \$100,000 or less will receive full MPL credit for its own work effort for services provided. Such a business bidding as Prime Contractor should nonetheless attempt to hire and solicit other, certified DBEs for participation in subcontracts.
- e. DBE Subcontractors providing labor must perform at least seventy-five percent (75%) of the cost of the subcontract, not including the cost of materials, with its own employees.

C. General Conditions

PRPA will include following provisions in construction contracts, establishing requirements applicable to Prime Contractor.

1. Reporting Requirements After Award

- a. Prime contractors must provide PRPA directly with the Prime Contractor's Monthly DBE Business Utilization Report (similar in content to Exhibit 4) for each project that is underway and for which payment applications are being submitted. The report shall include the names of and the total dollar amount paid to all DBE Subcontractors utilized under this contract.
- b. Subcontractors must provide Prime Contractor and PRPA with the Subcontractor's Monthly DBE Business Utilization Report for each project (similar in content to Exhibit 5), reflecting Prime Contractors that have purchased their labor, equipment, materials or supplies. The report shall reflect the name of Prime Contractor, the total dollar amount invoiced, and total dollar amount received for payment. The periods of time covered by Prime Contractor's report and that of its Subcontractors shall be coordinated.

2. Joint Ventures and Subcontracting

- a. Joint Venture.

Project-related contracts that involve a joint venture with a DBE firm must include the following clause:

If the joint venture relationship identified as the _____ is dissolved,

Joint Venture Firm Name

or otherwise discontinued, (_____),

Name of Replacement Prime Contractor

Replacement Prime Contractor, as the successor on the contract, shall continue this commitment by entering into contractual agreements with other appropriate firms to perform work on this contract. Replacement Prime Contractor must submit all requests for change orders to PRPA for approval.

- b. Subcontracting.

Subcontracts with DBE firms must include the following clause:

If the subcontracting commitment made to the _____

Name of Subcontractor

is terminated or materially reduced, _____

Name of Prime Contractor

agrees that the termination or material reduction is subject to the approval of PRPA, which approval shall not be withheld unreasonably.

VI. PROCEDURE TO SOLICIT PARTICIPATION

A. DBE Certification

1. Prime Bidders will only be given credit for DBEs that are certified or accepted as certified DBEs by programs approved by, and in accordance with additional requirements set forth by, Board resolution.
2. Under the State Act of December 21, 1984, No. 230, P.L. 210, 18 PA. C.S.A. § 4107.2 a person commits a felony of the third degree if, in the course of business, he/she engages in deception relating to DBE certification.
3. To be credited, the certification relied upon must be for the category of labor, equipment, materials or supplies that would be used by Prime Contractor in the proposed subcontract with the Subcontractor. For example, a certification as a masonry contractor does not qualify as a certification to supply electrical equipment.

B. Notification to DBEs

The procedure for Prime Contractor to notify DBEs of contract shall be as follows:

1. Notice of ITBs

The Prime Bidder shall utilize available information regarding certified DBE firms capable of performing in the project's area. PRPA shall provide reasonable assistance to the Prime Bidder. The Prime Bidder shall provide notice of the project to DBE firms so identified and to other qualified DBE firms and shall otherwise provide the same level of communication and interaction with prospective DBE Subcontractors as it would to other companies with which the Prime Bidder routinely contracts.

2. Other Notices - Notices of the DBE subcontracting opportunities will be sent by PRPA to appropriate organizations, such as:

- a. local minority churches and civic organizations;
- b. appropriate (1) minority business technical assistance organizations and schools, (2) minority, women, veteran, LGBT and small business contractor associations and appropriate trade organizations; and,
- c. other business assistance agencies, community organizations, and media organizations such as trade association papers and

newsletters, community television networks, local newsletters, and radio advertising.

3. Plans and Specifications - Plans and specifications and all bidding documents on all projects will be made available to potential Subcontractors, and DBE contractor associations, and trade organizations, through Penn Bid and similar web-based databases, and otherwise as may be appropriate.
4. List of Plan holders - The names of Prime Bidders requesting bid documents will be made available upon request by PRPA to DBE firms which provide labor, equipment, materials or supplies that appropriate to the scope of project work being solicited.
5. Lists of DBE's Businesses - PRPA will provide each Prime Bidder obtaining plans and specifications for a project with any available lists of DBE firms.

VII. PROCEDURE TO EVALUATE BIDS

A. Responsiveness

1. The Prime Bidder must complete and submit the DBE Solicitation and Commitment Statement (similar in content to Exhibit 1) with the bid. Failure to submit a completed form with the bid will result in the bid being rejected as nonresponsive.
2. The Prime Bidder should only solicit DBE Subcontractors whose labor, equipment, materials or supplies are within the scope of work and which the Prime Bidder reasonably believes it could choose to subcontract with or purchase from.
3. Prime Bidders failing to meet the MPLs must submit concurrently with the bid, an explanation of why the MPLs have not been met. This explanation must demonstrate that the Prime Bidder has not engaged in discriminatory practices in the solicitation and utilization of DBEs to perform as Subcontractors on the project. The evidence submitted by the Prime Bidder must demonstrate the following:
 - a. indicate whether DBE firms were solicited for each type of work the Prime Bidder expects to subcontract for and for all materials which the Prime Bidder expects to procure and, if not, the reason(s) why no such solicitation was made;
 - b. indicate the reason why commitments were not made to DBE firms for a type of subcontract labor, equipment, materials or supplies in any areas where quotes were received from such firms; and

- c. in any case where no quotations are received from, nor commitments made to DBE firms, indicate on Exhibit 1 that no quotes were received, and if there is another reason for no commitments being made, the reason for the lack of commitments.
4. If the Prime Bidder fails to submit such evidence, the bid submission shall be considered non-responsive and the bid shall be rejected.
5. Information related to the above shall be submitted on Exhibit 1 with the bid and on such additional materials as the Prime Bidder wishes to attach.

B. Responsibility

1. The submittals of each Prime Bidder are subject to review by PRPA to determine whether the Prime Bidder has discriminated in the selection of Subcontractors.

Where the MPLs are not met, PRPA will determine whether discrimination has occurred. If, after investigation including a review of Exhibit 1, other materials submitted by the Prime Bidder, and such additional documents and information as PRPA has secured, it is determined that discrimination has occurred, the Prime Bidder shall be deemed to be not responsible and the bid will be rejected.

2. Documentation submitted by the Prime Bidder should meet the following standards for review:
 - a. the Prime Bidder whose actions resulted in a limited or no commitment to DBE firms was not motivated by consideration of race or gender;
 - b. DBE firms were not treated less favorably than other businesses in the hiring and/or contract solicitation and commitment processes; and
 - c. solicitation and commitment decisions were not based upon policies that disparately affect DBE firms.
3. Commitments to DBE firms at the time of bidding must be maintained throughout the project unless a change in commitment is approved in advance by PRPA. Such approval shall not unreasonably be withheld.

C. Access to Information

PRPA may obtain documents and information from any Prime Bidder and any Subcontractor as may be required to ascertain Prime Bidder's contractor responsibility. Failure to provide requested information may result in the Prime Bidder's bid being declared non-responsive, the Prime Bidder being declared not

responsible, or both.

VIII. PROCEDURES – RECORDS AND REPORTS

A. Records and Reports

1. PRPA will send letters to Prime Contractors, confirming DBE contract awards and explaining the monthly reporting requirements (similar in content to Exhibit 2). In addition, the Prime Bidder will send letters to all DBE Subcontractors (copy to PRPA) explaining their monthly reporting requirements (similar in content to Exhibit 3).
2. PRPA shall report periodically on project-related contracting opportunities, solicitations, and commitments, based upon reports received from Prime Contractors, using PRPA's Monthly DBE Business Utilization Report (similar in content to Exhibit 6).
3. PRPA will review all reports received to determine if the commitments made by Prime Contractors in their bids are being met. This review is to be done contemporaneously with the receipt of payment applications, and in any event prior to final payment being made to Prime Contractor.
4. PRPA will keep such records as are necessary to determine compliance with its DBE requirements. These records must be in sufficient detail to indicate the prime contract work performed, and the percentages of project-related work that is being performed by DBEs.
5. Prime Contractor must retain DBE records related to the construction period for a period of four years after final completion of the project. If any litigation, claim, negotiation, audit, or other action has been commenced before the previously mentioned record retention periods, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the previously referenced record retention period, whichever is later.

Exhibit 1

DBE Solicitation and Commitment Statement

Exhibit 1

DBE SOLICITATION AND COMMITMENT STATEMENT									
OWNER / PRIME BIDDER'S FIRM NAME (1)					PROJECT NAME (2)				
ADDRESS					BID OPENING DATE			CONTRACT AWARD DATE	
TELEPHONE NUMBER					CONTACT PERSON				
*(3)	(4)	(4)	(4)	(4)	(4)	(4)	(5)	(6)	*(7)
COMPANY NAME EIN/SSN TELEPHONE NUMBER	DATE OF SOLICITATION	MBE	WBE	Veteran or Service- Disabled Veteran Business Enterprise	LGBT Business Enterprise	Certification Program and Number	TYPE OF WORK TO BE PERFORMED AND/OR MATERIAL TO BE SUPPLIED	TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	TOTAL COMMITMENT DOLLAR AMOUNT
(8) Note: List those certified DBE Subcontractors from which you solicited quotes or which contacted you and gave you quotes in regard to this invitation to bid. Contact with DBE Subcontractors should be at least equivalent to the notice given to other subcontractor proposers.									
(9) PREPARED BY (please print)					TELEPHONE NUMBER			E-MAIL	

*Use additional sheets, if necessary.

Exhibit 1

DBE SOLICITATION AND COMMITMENT STATEMENT Instructions and Explanation of Columns

Project owners and all prime bidders will complete this form to document all businesses solicited and all businesses that provided solicited or unsolicited quotes for project-related contracts.

1. Provide your company name, address, telephone number.
2. Provide the project name, project number, bid opening date, contract award date, and a contact person's name.
3. For each business solicited and each quote/bid received, enter the firm name, Employer Identification Number (EIN) or Social Security Number (SSN) for a sole proprietorship, telephone number with area code, and e-mail address. Only the company's name is a mandatory item.
4. Indicate whether or not the firm is an MBE, a WBE, Veteran or Service-Disabled Veteran Business Enterprise, or LGBT Business Enterprise. Place a check mark in only one of the appropriate MBE, WBE, Veteran or Service-Disabled Veteran Business Enterprise or LGBT Business Enterprise, add the identity of the certifying entity and the DBE's certification number.
5. Indicate the type of work to be performed and/or material to be supplied.
6. Enter the total dollar amount of the quote received.
7. Enter the total dollar (\$) amount of the commitment which you have made to the MBE, WBE, Veteran or Service-Disabled Veteran Business Enterprise or LGBT Business Enterprise. If no amount is provided in this space, it will be presumed that your firm made no commitment to the MBE, WBE, Veteran or Service-Disabled Veteran Business Enterprise or LGBT Business Enterprise.
8. NOTE: You must include information on both solicited and unsolicited quotes. Failure to include a firm providing solicited or unsolicited quotes may result in the rejection of the bid or a determination that you are not a responsible contractor. Adequate time equivalent to that provided to other Subcontractor proposers must be provided for DBE Subcontractors and suppliers to respond to bids.
9. Indicate the name, telephone number and e-mail address of the person(s) who prepared the form.

Exhibit 2

Standard Form of PRPA's Letter to Prime Contractor After Award of Contract

Exhibit 2

(On PRPA's Letterhead)

(Date)

(Contractor's Name and Address)

Re: (Name of Project, Project Number, Contract Type)

Dear Sir/Madam:

Congratulations on being awarded the above referenced contract. In the bid a binding commitment was made by your firm to the following MBE, WBE, Veteran or Service-Disabled Veteran Business Enterprise or LGBT Business Enterprise – [List Names of DBE firms here].

Please prepare letters and forward to your Subcontractors, using the Standard form of Prime Contractor's Letter to Subcontractors After Notice of Award to Prime Contractors (Exhibit 3).

Please complete the enclosed Prime Contractor's DBE Monthly Business Utilization Report (Exhibit 4) and return it to _____ (Name of PRPA's representative) at _____ (insert address) each month with your payment requisitions. The information requested on this form will, among other things, be used to determine the actual dollar amount paid to DBE Subcontractors to which your firm made commitments during the bidding process.

Also, please provide the enclosed DBE Monthly Reporting Form for Subcontractors Summarizing Payments Received, so that your Subcontractors may submit their monthly reports. Please coordinate with your Subcontractors regarding the submission of forms.

If you have any questions regarding the above, please contact (Name of PRPA's representative) at _____ (insert phone number) or at _____ (insert email address).

Very truly yours,

Signature

Name

Title

Attachments

Exhibit 3

Standard Form of Prime Contractor's
Letter to Subcontractors
After Notice of Award to Prime Contractors

Exhibit 3
(On Prime Contractor's Letterhead)

(Date)

DBE Subcontractor's Name and Address

Re: (Name of Project, Project Number, Contract Type)

Dear _____:

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 five (5) 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 DBE Monthly Reporting Form Summarizing Payments Received (Exhibit 5) be completed and returned to _____ (Name of Prime Contractor's representative), with a copy to _____ (Name of PRPA's representative) within ten (10) working days at the end of each month and at final project completion, covering checks issued, cash transferred on or after _____ date thru and including _____ date (insert beginning and end of periods.)

Should you have any questions regarding this form, please contact _____ (Name of Prime Contractor's representative) at _____ (insert phone number) or at _____ (insert email address).

Very truly yours,

Signature

Name

Title

Attachment
c: (PRPA's Representative)

Exhibit 4

Prime Contractor's DBE Monthly Reporting Form Summarizing Payments Made

EXHIBIT 4

Mandatory S. Submit Monthly

(Page 1 of 2)

Prime Contractor's Monthly DBE Payment Report

Name of Project _____

Contract No.: _____

Prime Original Contract Value: _____

Report for the Month of: _____

Change Orders (Overall Add/Deduct): _____

Notice to Proceed Date: _____

Total Contract Amount to Date: _____

Project Mgr. Name: _____

Total Payments Issued from _____ to _____ (date)

Assigned DBE Goal %: _____

Name of DBE Subcontractor	Work Task Performed	Original Contract Amount (\$)	Change Order Amount \$ (+/-)	Amount of Invoice Received this Month	Date of Invoice Received in this Month	Payments Made to DBE in this Month (\$)	Date(s) Payments Made this Month	Total DBE Payments Made to Date in \$	% Overall Work Finished	Final Payment (Y/N)
	Total(s) →	\$	\$	\$	Total(s)	\$	Total(s)	\$		

Itemize payments/invoices and dates if paid/received more than one payment/invoice between the 1st and 31st of this Month.

Prime Contractor Information:

Prime Firm Name: _____

Project Director Name: _____

Address: _____

Project Director Signature: _____

Telephone No.: _____ Date: _____

EIN # / TIN # _____

Prime's Past Due Invoice Information: List any invoice more than _____ days past due from the date **submitted** to _____ at the time you complete this form.

Invoice #	Invoice Date	Invoice Amount (\$)	No. of Days Past Due	Comments

Prime Contractor's Monthly DBE Payment Report

1. Have all DBE Subcontractors with executed subcontracts been paid amounts due from previous progress payments?

If Yes, skip the next section and go to Number 3.

If No, please complete fields in box below (use additional paper, if necessary)

Subcontractor Name	Amount Withheld from Invoice (\$)	Total of Invoice Amount (\$)	Invoice No.	Invoice Date	Specific Reason for Withholding

2. Have you notified the DBE Subcontractor(s) that you are withholding payment and the reason(s) why?

If Yes, provide a copy of written notification to the DBE Subcontractor with this form, indicating the date of notification.

If No, lack of prior written notification to the DBE(s) that you are withholding payment may violate the prompt payment clause guidelines.

Please contact the DBE immediately, and provide a copy of written notification to the Subcontractor with this form.

3. By signing this form, I certify that all of the above represent true and accurate information.

Project Director Name (Print)

Project Director (Signature)

____/____/_____
Date

Additional Reasons/Comments for Withholding Payment:

DO NOT WRITE BELOW

Approved

Denied

This Form is Due on the ____ of each Month.

Please forward to: _____

Exhibit 5

Subcontractor's DBE Monthly Reporting Form Summarizing Payments Received

EXHIBIT 5
Mandatory S. COMPLETE & SUBMIT BY DBE ONLY.

SUBCONTRACTOR Monthly Payment Report

Name of DBE Firm: _____

Report payments issued from _____ (date) to _____ (date)

DBE EIN: _____

Contract No.: _____

DBE Address: _____

Contract Name: _____

DBE Telephone No.: _____

DBE Contract Start Date: _____

Prime Contractor's Information:

Name of Prime: _____ Address: _____ Telephone #: _____

DBE PAYMENT INFO: Itemize payments/invoices and dates if received/submitted more than one payment/invoice between the 1st and 31st of THIS Month.

Work Task Performed	Original Subcontract Amount	Change Order Amount (+/-)	Invoice #'s Submitted in this Month	Dollar Amount of each Invoice Submitted this Month	Date of Invoice(s) Submitted this Month	Total Payments Received by DBE this Month (\$)	Date(s) Payments Received In this Month	Total Payments Received by DBE to Date (\$)	Total % Work To Date	Final Payment (Y/N)
Total(s) →	\$	\$	Total(s) →	\$	Total(s) →	\$	Total(s) →	\$		

Is retainage held on your subcontract? **Yes or No** (circle one) If yes, how much? \$_____. Did your final payment include retainage? **Yes or No** (circle one)

Past Due Invoice(s) Information: List any invoice more than _____ days past due from date submitted to prime at the time you complete this form.

Invoice #	Invoice Date	Invoice Amount (\$)	No. of Days Past Due	Comments

Name: _____ Signature: _____ Title: _____ Date: _____

THIS FORM IS DUE ON THE ___ OF EACH MONTH IMMEDIATELY FOLLOWING DBE's SUBCONTRACT START DATE, EVEN IF PAYMENT IS NOT RECEIVED

Please forward to: _____

Exhibit 6

PRPA's Monthly DBE Business Utilization Report

Exhibit 6

PRPA's MONTHLY MBE, WBE, VETERAN OR SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE OR LGBT BUSINESS ENTERPRISE BUSINESS UTILIZATION REPORT

CONTRACTOR NAME, ADDRESS, AND TELEPHONE		PROJECT NAME AND ADDRESS					NO.			
Reporting Period from _____ (date) to _____ (date)		Contractor's EIN No: _____	Covered Area (Municipality/County)		Established MPLs: MBE _____% WBE _____% Veteran or Svc.Disabl. _____% LGBT _____%					
Subcontractor/Supplier Name, Address, Telephone Number	Type of Sub-Contract	MBE	WBE	Veteran or Service-Disabled Veteran Business Enterprise	LGBT Business Enterprise	Award Date	MBE Subcontract Award Amounts	WBE Subcontract Award Amounts	Veteran or Service-Disabled Veteran Business Enterprise Subcontract Award Amounts	LGBT Business Enterprise Subcontract Award Amounts
Totals-All Contracts this Period		\$		Totals - This Period:			\$	\$	\$	\$
Totals-All Contracts to Date		\$		Cumulative Totals to Date:			\$	\$	\$	\$
Cumulative Percentage To Date (Totals of Columns Should Equal 100%):										

(1) Contract Codes: C – Construction labor MS – Materials and supplies S - Services (Professional, etc.)

- | | |
|--|---|
| (2) Certification as an MBE | (3) Certification as a WBE |
| (4) Certification as a Veteran or Service-Disabled Veteran Business Enterprise | (5) Certification as a LGBT Business Enterprise |
| (6) Substantiation for classification as a DBE | |

Mail this form to _____ monthly throughout construction period as payments are made to contractors.

Signature & Title of Person Preparing Report: _____

Telephone: _____

Date Signed: _____

Page ___ of ___