

# DBE Solicitation for Private Side LSL Replacements

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Learn about the Lead Service Line (LSL) Replacement Program at [dnr.wi.gov/aid/LSLprogram](http://dnr.wi.gov/aid/LSLprogram)

This document contains important information for compliance with Disadvantaged Business Enterprise (DBE) solicitation requirements for private side lead service line replacements that receive LSL Replacement Program funds.

- Solicit for disadvantaged businesses at all levels of bidding and contracting, and/or during the Request for Qualifications (RFQ) process, including advertising.

## Disadvantaged Business Enterprise (DBE) solicitation

When financing a project through the LSL Replacement Program, all municipalities and their prime contractors must make good faith efforts to solicit for Disadvantaged Business Enterprises (DBEs) at all levels of bidding and contracting, and/or during the Request for Qualifications (RFQ) process, including advertising, when developing a prequalified list of licensed plumbers/utility contractors. DBEs include, but are not limited to, minority business enterprises (MBEs) and women's business enterprises (WBEs).

The DNR suggests the following language for the bid advertisement or RFQ solicitation: "*We encourage DBEs, including MBEs and WBEs, to submit bid proposals/apply for the purpose of being included on the municipality's list of prequalified licensed plumbers/utility contractors for the LSL replacement program to replace the private side of a lead service line.*"

## What is the purpose of complying with DBE requirements?

Complying with DBE requirements ensures that all DBEs have the opportunity to compete for procurements funded in part by the U.S. Environmental Protection Agency grants and loans.

## When is DBE compliance required?

All municipalities, and prime contractors and subcontractors, must make good faith efforts to solicit DBEs whenever required to bid construction work, equipment, raw materials, or supplies for a project under the state procurement laws.

- When utilizing a **prequalified list** of licensed plumbers/utility contractors, DBE compliance should occur during the municipality's RFQ process, including advertising, see [Suggestions for the Request for Qualifications \(RFQ\) \(PUB-CF-055\)](#). Prequalified lists are only available for private side LSL replacements.
- When bidding out the project as a **municipal contract**, DBE compliance is required when soliciting bids and by the prime contractor if any subcontracting is done. To document compliance, municipalities must submit the [DBE Good Faith Certification Form 8700-294](#). Municipally bid contracts are available for both private and public side LSL replacements.

## How can recipients comply with the requirements?

In order to satisfy the DBE requirements, the municipality, prime contractors, and subcontractors, when applicable, must, at a minimum, make the following efforts:

Municipalities, prime contractors, and subcontractors when applicable, must do **at least one of a., b., or c.:**

- Include language in bid advertisements** or Request for Qualifications solicitations that encourages DBEs to submit bid proposals or respond to the RFQ. If contracts are advertised separately, each advertisement should include the DBE language.
  - MUNICIPALITIES:** To make a good faith effort when hiring prime contractors, the municipality should add a statement to its advertisements for prime contractors such as, "*We encourage DBEs, including*

*MBEs and WBEs, to submit bid proposals.*" The advertisements must appear at least in an industry trade publication or the official newspaper of public record for the municipality. The municipality must then **submit proof of publishing** to the DNR.

ii. **PRIME CONTRACTORS AND SUBCONTRACTORS:** To make a good faith effort when subcontracting, a contractor can advertise for subcontractors with an ad that includes a statement like, "*DBEs, including MBEs and WBEs, are encouraged to submit proposals.*" If just one advertisement is published for all areas of work that may be subcontracted, it should indicate the types of work that could be subcontracted. The advertisement(s) must appear in an industry trade publication and/or the official newspaper of public record for the municipality. The prime contractor should **supply a copy of the advertisement** to the consulting engineer or the municipality so they can submit it to the DNR.

b. **Contact DBEs on a Unified Certification Program (UCP) List** to solicit bids from these firms (e.g. firms registered in the Wisconsin Department of Transportation [WisDOT] UCP at [wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx](https://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx)). Individuals that make the contacts should document all of their contacts, preferably using the [DBE Contacts Worksheet Form 8700-294a](#).

The [UCP lists](#) are the main sources of certified DBEs. Any certification must meet the same requirements as those used for UCP-listed businesses.

c. **Utilize DBEs registered with the UCP** (e.g. [WisDOT UCP](#)). If DBEs are utilized, municipalities must document their participation and report it when closing out the loan.

## Contact Information

For additional information regarding DBE procurement requirements, contact the DNR loan project manager assigned to your project.

## Resources

- For more information about the DBE requirement and guidance on how to comply, read the DBE Requirements webpage at [dnr.wi.gov/aid/documents/eif/guide/DBE.html](https://dnr.wi.gov/aid/documents/eif/guide/DBE.html).
- Learn about the Lead Service Line (LSL) Replacement Program at [dnr.wi.gov/aid/LSLprogram](https://dnr.wi.gov/aid/LSLprogram).
- Find additional funding options and resources for LSL replacements at [dnr.wi.gov/aid/documents/EIF/leadServiceLineFunding.html](https://dnr.wi.gov/aid/documents/EIF/leadServiceLineFunding.html).

