

**MBE/WBE SUBCONTRACTOR AND SUPPLIER CERTIFICATION,  
SOLICITATION AND COMMITMENT FORM**

This form, GSMWBE-16 (Form 16), is comprised of two parts: 16A - Certification and 16B - Record of MBE/WBE Solicitations and Commitments. Instructions on how to complete both parts of this form are provided at the end of this document.

**FORM 16A – CERTIFICATION**

**This Form 16A must be completed and signed by the each bidder and submitted with its bid.**

Bidder name: \_\_\_\_\_  
Project #: \_\_\_\_\_

1. We commit to meet the MPLs for the project as stated in the Notice to Bidders for:
- |      |     |       |    |       |
|------|-----|-------|----|-------|
| MBEs | Yes | _____ | No | _____ |
| WBEs | Yes | _____ | No | _____ |

If the answer for both MBEs and WBEs is "Yes" **GO DIRECTLY TO THE SIGNATURE LINES AT THE END OF THIS CERTIFICATION. YOU DO NOT NEED TO COMPLETE THE REMAINDER OF THIS FORM AND YOU DO NOT NEED TO COMPLETE FORM 16B.**

If either answer is "No" you must check and complete either statement 2 or 3 below, sign this form and complete Form 16B.

2. We do not commit to meet both MPLs as stated in the Notice to Bidders. However, we did meet the the minimum solicitation requirements (5 MBE subcontractors and 5 WBE subcontractors from the "Work Area" as defined in the Instructions to Bidders Section A.31 and 5 MBE suppliers and 5 WBE suppliers) and we commit to the following participation levels:
- MBEs \_\_\_\_\_ %    WBEs \_\_\_\_\_ %

- We have included below an explanation of our failure to commit to both MPLs. (Attach additional sheets as necessary.)

MBE: \_\_\_\_\_

WBE: \_\_\_\_\_

- We have completed and included with our bid the Form 16B - Record of MBE/WBE Solicitations and Commitments.
- We included with our bid all additional documentation as required in the Form 16 - Instructions and the Instructions to Bidders Section A.31.
- We conducted all initial MBE/WBE solicitations at least five (5) business days in advance of the bid opening day.

Failure to check all boxes under this statement 2, to indicate the MBE/WBE participation levels, and to provide a satisfactory explanation shall result in the rejection of your bid as not responsive.

3. We do not commit to meet both MPLs as stated in the Notice to Bidders and we did not meet the minimum solicitation requirements (5 MBE subcontractors and 5 WBE subcontractors from the "Work Area" as defined in the Instructions to Bidders Section A.31 and 5 MBE suppliers and 5 WBE suppliers); however, we do commit to the following participation levels:

MBEs \_\_\_\_\_ %      WBEs \_\_\_\_\_ %

- We have included below an explanation of our failure to commit to both MPLs. (Attach additional sheets as necessary.)

MBE: \_\_\_\_\_

WBE: \_\_\_\_\_

- We have included below an explanation for our failure to comply with the minimum solicitation requirements. For example, if you do not intend to use any subcontractors you may state that fact as your reason for noncompliance. Complete as many as are appropriate. (Attach additional sheets as necessary.)

MBE subcontractors \_\_\_\_\_

WBE subcontractors \_\_\_\_\_

MBE suppliers \_\_\_\_\_

WBE suppliers \_\_\_\_\_

- To the extent that we have solicited MBEs and WBEs, we have completed and included with our bid the Form 16B - Record of MBE/WBE Solicitations and Commitments.
- We have included with our bid all additional documentation as required in the Form 16 - Instructions and the Instructions to Bidders Section A.31.
- We conducted all initial MBE/WBE solicitations at least five (5) business days in advance of the bid opening day.

Failure to check all boxes under this statement 3, to indicate the MBE/WBE participation levels, and to provide satisfactory explanations shall result in the rejection of your bid as not responsive.

**Signature Certification**

I certify that the information on this form is true and correct to the best of my knowledge and that I am authorized to represent the above-named Bidder in connection with this certification.

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

Name (print or type): \_\_\_\_\_

Title: \_\_\_\_\_

**FORM 16B - RECORD OF MBE/WBE SOLICITATIONS AND COMMITMENTS**

(1)

(2)

<b>Company Name:</b>	<b>Contract Number &amp; Point:</b>
<b>EIN No.:</b>	<b>Project Name:</b>
<b>Address:</b>	<b>County:</b>
<b>Telephone: (    )</b>	<b>Bid Amt. (Base Bid #1): \$</b>
<b>FAX No.:</b>	
<b>E-Mail Address:</b>	
<b>Contact Person:</b>	

Note to Bidders:

In completing this form, the Bidder must comply with the Form 16 - Instructions and the Instruction for Bidders Section A.31. The following is provided for informational purposes only.

1. If you commit in your bid to meet the MPLs for both MBEs and WBEs you do not need to complete this Form 16B.
2. If you do not commit in your bid to meet both MPLs you must complete this Form 16B and submit all additional documentation as required by the Instruction to Bidders Section A.31 and as described in the Form 16 - Instructions. Failure to do so will be sufficient cause for rejection of the bid as NOT RESPONSIVE.
3. In completing Form 16B, the Bidder shall (see Form 16 - Instructions and Instructions to Bidders Section A.31 for complete detail):
  - a. solicit a minimum of 5 Subcontractors-MBE, 5 Subcontractors-WBE, 5 Suppliers-MBE and 5 Suppliers-WBE;
  - b. initiate all solicitation at least five (5) business days prior to the bid opening date;
  - c. solicit MBE and WBE subcontractors within the Work Area, as defined in the Instructions to Bidders Section A.31, and
  - d. record on Form 16B information pertaining to all solicitations, quotes (solicited and unsolicited) and commitments from MBE and WBE firms.
4. By submitting this form, the Bidder certifies that it has solicited the MBE and WBE firms for all services for which it intends to enter into a subcontract and for all supplies for which it intends to purchase within the Contract scope of work.



## **FORM 16 - INSTRUCTIONS**

### **1.0 Purpose**

The purpose of Form GSMWBE-16 (Form 16) is to secure documentation that ensures that the Bidder has not discriminated against MBE and WBE subcontractors and suppliers in the Bidder's solicitation of and commitments to subcontractors and suppliers. Form 16 is comprised of two parts: 16A – Certification and 16B - Record of MBE/WBE Solicitations and Commitments as well as these instructions. Before completing Form 16, the Department of General Services (Department) strongly encourages the Bidder to review the Instruction to Bidders Section A.31: Minority Business and Women Business Enterprise Participation for further instruction on completing Form 16 and consequences for providing incomplete or incorrect information.

### **2.0 Instructions for Form 16A – Certification**

All Bidders must complete, sign and submit Form 16A - Certification (Form 16A) with their bids.

#### **Instructions for Statement 1**

Check box 1 and complete statement 1, if you commit to meet both MPLs for the project or if you commit to meet the MPL for either MBEs or WBEs.

A Bidder who commits to meet both the MPLs for MBEs and WBEs only needs to check the "yes" box for both MBEs and WBEs, and to have an authorized representative of the company sign the form. If the Bidder is selected for award, the Bidder will be required to submit detailed information including but not limited to copies of quotes and any contracts or letters of intent documenting the Bidder's commitment to the MPLs within ten calendar days after notice of award from the Department. **Failure to provide the documentation, satisfactory to the Department, detailing commitments made to MBEs and WBEs within ten (10) calendar days after notice of award from the Department shall result in rejection of the bid as non-responsive and the Bidder's bid security shall be forfeited to the Department as liquidated damages for the bid default.**

A Bidder who commits to only one MPL is required to indicate which MPL and to complete the remaining portions of the Form 16A and Form 16B in compliance with the instructions provided herein and the Instructions to Bidders Section A.31.

#### **Instructions for Statement 2**

Check box 2 and complete statement 2 if you do not commit to meet both MPLs but you have complied with the minimum solicitation requirements: you have solicited proposals from a minimum of 5 MBEs and 5 WBEs for subcontracting from the "Work Area" as defined in the Instructions to Bidders Section A.31 and 5 MBEs and 5 WBE for supplies.

A Bidder who does not commit to meet both MPLs but who meets the minimum solicitation requirements must:

1. Indicate the MBE and WBE participation levels that it has committed to in its bid.
2. Indicate by checking the first check box that it has provided in the space provided an explanation of its failure to commit to both MPLs. If the Bidder provides its explanation on a separate page it must indicate so in the space provided.
3. Indicate by checking the second check box that it has completed Form 16B.
4. Indicate by checking the third check box that it has included with its bid the additional documentation as required in these instructions and the Instructions to Bidders Section A.31.
5. Indicate by checking the fourth check box that it has conducted all initial MBE/WBE solicitations at least five (5) business days in advance of the bid opening day.
6. Have an authorized representative of the company sign Form 16A.

Failure to properly complete and submit Forms 16A and 16B and to provide the additional documentation as required in the Instruction to Bidders Section A.31 with the bid shall result in the rejection of the bid.

### **Instructions for Statement 3**

Complete statement 3 if you do not commit to meet both MPLs and you have not complied with the minimum solicitation requirements: you have not solicited proposals from a minimum of 5 MBEs and 5 WBEs for subcontracting from the "Work Area" as defined in the Instructions to Bidders Section A.31 and 5 MBEs and 5 WBE for supplies.

A Bidder who does not commit to both MPLs and who does not meet the minimum solicitation requirements must:

1. Indicate the MBE and WBE participation levels that it has committed to in its bid.
2. Indicate by checking the first check box that it has provided an explanation of its failure to commit to both MPLs. If the Bidder provides its explanation on a separate page it must indicate so in the space provided.
3. Indicate by checking the second check box that it has provided an explanation for not meeting the minimum solicitation requirements. If the Bidder provides its explanation on a separate page it must indicate so in the space provided.
4. Indicate by checking the third check box that it has completed Form 16B to the extent that it has solicited MBEs and WBEs and included it with its bid.
5. Indicate by checking the fourth check box that it has included with its bid the additional documentation as required in these instructions and the Instructions to Bidders Section A.31.
6. Indicate by checking the fifth check box that it has conducted all initial MBE/WBE solicitations at least five (5) business days in advance of the bid opening day.
7. Have an authorized representative of the company sign Form 16A.

Failure to properly complete and submit Forms 16A and 16B and to provide the additional documentation required in the Instruction to Bidders Section A.31 with the bid shall result in the rejection of the bid.

### **3.0 Instructions for Form 16B - Record of MBE/WBE Solicitations and Commitments**

A Bidder who commits in its bid documents to meet the MPLs does not need to complete Form 16B. Form 16B must be completed by the Bidder who does not commit to meet **both** MPLs as set forth in the Notice to Bidders. **A Bidder completing form 16B must solicit and commit to Department certified MBEs and WBEs only.** Firms certified by any other entity will not be recognized for purposes of compliance with these instructions and the invitation for bids. The Department's searchable database of certified MBE/WBE firms appears on the Department's website:

[http://www.dgsapp.state.pa.us/imaginepa/bcabd/vendor\\_search.asp?bcabdRNavrad6BC2C=](http://www.dgsapp.state.pa.us/imaginepa/bcabd/vendor_search.asp?bcabdRNavrad6BC2C=)

#### **Instructions for Block 1**

Provide your company name, federal employer identification number, address, telephone number, fax number, e-mail address and contact person. The e-mail address should be for the person within your organization who handles contract compliance or EEO-related issues.

#### **Instructions for Block 2**

Provide the Department's contract number, project name, county in which project is located, and total amount of the bid. If more than one base bid is submitted, provide the total bid amount for Base Bid #1.

#### **Instructions for Blocks 3 - 7**

3. Enter the subcontractor or supplier's company name exactly as it appears on the Department's website list of certified MBEs/WBEs. Do not use a D/B/A (Doing Business As) name. List the address, zip code, county, telephone number with area code, and contact person's name.

4. Indicate whether the firm is a Department-certified MBE or WBE. If the firm is both a Department-certified MBE and a Department-certified WBE, the Bidder will receive credit for the firm as either an MBE or a WBE, at the Bidder's determination. **The Department shall count a firm toward only one category.**
5. Briefly describe the specific type of work to be performed and/or materials to be supplied by the listed Department-certified MBE or WBE. In order to count towards reaching the MPLs, the Bidder must solicit Department-certified MBEs/WBEs for the goods and services for which they are certified. For example, if an MBE/WBE is Department-certified for electrical supplies and the Bidder lists plumbing supplies, the Bidder will not receive credit for that firm. Geographical location may not be used as a reason for limiting MBE/WBE solicitations.
6. Enter the total dollar (\$) amount of any (solicited and non-solicited) quote received. If the quote was received in the form of unit prices or hourly rates, a total dollar amount must still be provided. If the solicited subcontractor did not respond to the Bidder, the Bidder must indicate "No Response." Copies of all MBE/WBE quotes (solicited and unsolicited) must be submitted with the bid. In addition, the bidder must submit with its bid an example of its request for quotation issued to MBE and WBE contractors and suppliers.
7. Enter the total dollar (\$) amount of the contractual commitment made to the listed MBE/WBE. If the Bidder does not commit to use the quote from a MBE/WBE because lower a priced quote was received, the Bidder must provide an explanation with its bid and submit a copy of the lower priced quote. On partial commitments, the Bidder must provide an explanation with its bid why it made only a partial commitment and must submit a copy of the lower priced quote.

#### **4.0 The Bureau of Minority and Women Business Opportunities**

The Bureau of Minority and Women Business Opportunities (BMWBO) is available for technical assistance to all Bidders submitting proposals for this contract. A listing of Department-certified MBEs and WBEs is incorporated in the contract documents. Department certification of an entity as an MBE/WBE means only that the applicant for certification has submitted information that qualifies it as an MBE/WBE in terms of its ownership and control. It does not imply, and no Bidder shall infer, that the Department has in any way investigated or approved the entity's competence to perform work. Please direct your question to:

Bureau of Minority and Women Business Opportunities  
502 North Office Building  
Harrisburg, Pennsylvania 17125  
717-787-7380