



# Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield, Illinois • 62794-9276 • 217-782-3397

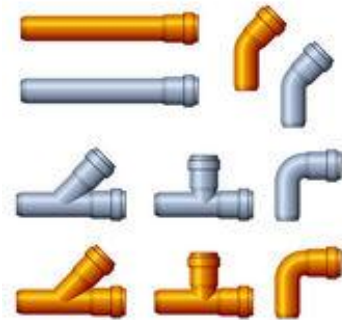
JB Pritzker, Governor

James Jennings, Acting Director

## Disadvantaged Business Enterprise Guidance



# DB



**DBE Policy and Recommended Procedures for the  
Clean Water State Revolving Fund (CWSRF) and  
Drinking Water State Revolving Fund (DWSRF)**

**September 2025**

# Disadvantaged Business Enterprise Guidance

## Table of Contents

<b>Introduction &amp; Background</b>	<b>1</b>
<b>What is a Disadvantaged Business Enterprise (DBE)?</b>	<b>1</b>
<b>What is the Disadvantaged Business Enterprise (DBE) Program?</b>	<b>2</b>
<b>Illinois Fair Share Objectives</b>	<b>2</b>
<b>Good Faith Efforts</b>	<b>2</b>
<b>Guidelines for Disadvantaged Businesses</b>	<b>3</b>
<b>Noncompliance</b>	<b>4</b>
<b>Contact Information</b>	<b>4</b>
<b>Application Forms, Instructions, and Links</b>	<b>4</b>
<b>Part I: SRF Loan Applicant and Loan Recipient Requirements and Procedures</b>	<b>5</b>
<b>Part II: Prime Contractors’ Requirements, Responsibilities and Procedures</b>	<b>8</b>
<b>Part III: Consultants Requirements, Responsibilities and Procedures</b>	<b>11</b>
<b>Appendix I: Summary of Applicable Federal Regulations</b>	<b>13</b>
<b>Appendix II: Summary of Basic DBE Requirements</b>	<b>14</b>
<b>Appendix III: DBE Forms</b>	<b>15</b>

## Introduction & Background

This guidance document is intended to provide a comprehensive summary of the Illinois Environmental Protection Agency (Illinois EPA) Disadvantaged Business Enterprise (DBE) Program. The requirements are different for loan applicants/loan recipients, contractors/bidders, and consultants. The guidance is divided into three sections, each of which summarizes DBE program requirements as they apply to the different groups: Section 1: loan applicants and loan recipients; Section 2: prime contractors/bidders; and Section 3: consultants working on CWSRF and DWSRF funded projects.

### What is a Disadvantaged Business Enterprise (DBE)?

DBE is defined as a business entity, at least 51% owned and or controlled by a socially and economically disadvantaged individual as described by federal statute (42 U.S.C. §4370(d)). DBEs include more businesses than just minority business enterprises (MBE) and women business enterprises (WBE) enterprises. Other businesses may qualify if they meet the ownership and control requirements of the federal law.

Illinois EPA considers all entities certified by the U.S. EPA, U.S. Department of Transportation (DOT), U.S. Small Business administration (SBA), and the Illinois Unified Certification Program (IL

UCP) to be qualified DBEs. DBE certifications from other entities will be considered. Federal Regulations (40 C.F.R. 33.201) require a business to have a certification to be considered a DBE.

### What is the Disadvantaged Business Enterprise (DBE) Program?

The Illinois EPA is a recipient of federal assistance from U.S. EPA in the form of the federal capitalization grants awarded to the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) each fiscal year. Nationwide, all SRFs are required to request that their loan applicants and recipients seek and encourage the use of small, minority, and women-owned businesses.

The purpose of this regulation (40 C.F.R. Part 33) is to increase disadvantage business participation in contracts performed under the SRFs by ensuring that DBEs are informed of contracting and subcontracting opportunities. Congress created the DBE program in response to the large number of procurement opportunities available through federal dollars and the necessity of making that funding available to a range of businesses. The DBE program aims to ensure that recipients of EPA financial assistance award a “fair share” of their contracts and subcontracts to disadvantaged businesses. The objective is to ensure that these businesses are given an opportunity to participate in awards for equipment, supplies, construction, and services under all EPA programs.

Objectives are achieved through the following program elements:

- **Fair Share Objectives**
- **Six Good Faith Efforts and Contract Administration Requirements**
- **DBE Reporting**
- **DBE Certification**

### Illinois Fair Share Objectives

As a requirement of SRF program participation, Illinois EPA must establish “fair share objectives” for MBEs and WBEs. After assessing the availability of qualified MBEs and WBEs, Illinois EPA identifies a target percentage range of all prime and subcontractors as the fair share objectives for the program. The fair share objective percentages serve as a goal for the program but **are not quotas**.

**Illinois EPA currently has fair share objectives of 5% for MBEs and 12% for WBEs. These are hiring goals for minority and women-owned businesses. The numbers apply to businesses, not individual workers.**

### Good Faith Efforts

All SRF loan applicants and recipients must make a **good faith effort** to solicit DBEs for their projects. **Prime contractors and consultants** participating in an SRF funded project must also make good faith efforts when they subcontract for engineering, testing, construction work, equipment, raw materials, supplies, or any other items that may be subcontracted.

U.S. EPA has identified six **Good Faith Efforts** that are methods required by all U.S. EPA financial agreement recipients to ensure that DBEs have the opportunity to compete for procurements funded by U.S. EPA. The Good Faith Efforts are set forth in U.S. EPA's Disadvantaged Business Enterprise regulations, 40 C.F.R. Part 33. They are as follows:

1. Ensure DBEs are made aware of contracting opportunities, to the fullest extent practicable, through outreach and recruitment activities. For Indian Tribal, State, and Local Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs and, to the extent possible, arrange timeframes for contracts and establish delivery schedules in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, wherever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State, and Local Government recipients, this will include dividing the total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in items (1) through (5) of this section.

### **Guidelines for DBEs**

DBEs are encouraged to promote themselves and to take the initiative to obtain contracts and subcontracts. DBEs interested in working on loan projects are strongly encouraged to take the following steps:

1. Become certified as a DBE under 40 CFR Part 33.
2. Submit capability statements to loan recipients, consulting engineers, and contractors stating the following:
  - a. The type of work performed by your business and areas of interest for performing future work;
  - b. The size of job that your business or firm is able to handle;
  - c. Bonding information; and,
  - d. Any specialized skills or qualifications.

3. Establish contacts and working relationships with contractors for potential future business and jobs by attending pre-bid conferences and subscribing to industry/trade journals and other sources of information.
4. Respond to advertisements with a certified letter (return receipt requested) or projects of interest and within the capacity of your business.
5. Respond promptly to advertisements and solicitation requests.

### **Noncompliance**

Upon finding that a loan applicant, loan recipient, consultant, or contractor has not complied with the SRF Loan Program's DBE Requirements, Illinois EPA may consider invoking sanctions and remedies specified in U.S. EPA regulations or State Loan Rules. Noncompliance is usually resolved by rebidding a project and using approved DBE solicitation procedures.

### **Contact Information**

For questions, contact Illinois EPA's Infrastructure Financial Assistance Section at (217) 782-2027.

### **Application Forms, Instructions, and Links**

For more information on DBE certification, or to apply for certification, use the links below:

U.S. Small Business Administration

<https://www.sba.gov/>

U.S. Department of Transportation

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

IL Unified Certification Program

<https://idot.illinois.gov/doing-business/certifications/dbe/il-ucp.html>

The Illinois Department of Transportation, in partnership with the U.S. DOT, maintains a directory of certified DBEs. This directory is available at <https://idot.illinois.gov/doing-business/certifications/dbe/il-ucp/illinois-ucp-directory.html> . Other entities, such as the City of Chicago, maintain similar lists.

## Part I: SRF Loan Applicant and Loan Recipient Requirements and Procedures

All SRF loan applicants must make **good faith efforts** to solicit disadvantaged business enterprises for projects. Loan applicants that follow the procedures outlined in this document should adhere to all elements and not deviate from the guidelines. Illinois EPA encourages loan applicants to follow these established procedures to ensure that DBE program elements are satisfied. The procedures are not mandatory, and the option to develop separate procedures, or use an existing, local DBE program is available. If loan applicants follow the procedures outlined below, and provide the listed documentation, they will have demonstrated compliance with the DBE requirements.

If loan applicants choose to utilize their own DBE procedures, these procedures must be submitted to Illinois EPA for review and approval prior to bid advertisement. Additional approval by U.S. EPA may be necessary.

### Requirements and Responsibilities

Loan applicants should take the following steps to ensure full compliance with DBE program requirements.

#### 1. Bid Advertising

To ensure qualified DBEs are informed of the project, the loan applicant must circulate the advertisement for bids for each project using at least one of the following methods:

- a) Advertise for one day in a local, daily newspaper. The newspaper with the largest readership in the region must be utilized; or
- b) Place the advertisement for bids in an established online clearinghouse such as Dodge Report ([www.construction.com](http://www.construction.com)), Construction Connection, ([https://projects.constructconnect.com/?utm\\_source=iSqFt](https://projects.constructconnect.com/?utm_source=iSqFt)) or an equivalent website.

Newspaper is the preferred method as it is easiest to document compliance. Loan recipients must be able to provide documentation that the bid was appropriately advertised. For newspapers, a clipping or copy of the advertisement as well as an affidavit or receipt from the newspaper showing the date(s) the advertisement ran are sufficient. For online databases, loan applicants must provide an email confirmation or other receipt documenting that the bid was listed as well as a saved screenshot or PDF showing the advertisement. An active weblink/URL to the advertisement must also be provided. The advertisement must run for a minimum of one day and include the language appearing on page 7 (Item A) of this document.

#### 2. Bidding Process Requirements

- (a) The loan applicant is encouraged to extend the bidding period to 45 days to allow bidders sufficient time to initiate their DBE efforts. All firms or companies bidding on prime contracts must solicit DBE subcontractors for participation unless no subcontracting opportunities exist.

- (b) The loan applicant is encouraged to hold a pre-bid meeting at least 20 days prior to bid opening to discuss the DBE requirements and answer questions.
- (c) The loan applicant must maintain a “Bidder’s List” of all firms that bid on prime contracts or bid/quote on subcontracts. This list should include both DBE and non-DBE firms. The records should include:
  - a. The entity’s name and a point of contact;
  - b. The entity’s mailing address, telephone number, and email address;
  - c. The procurement on which the entity bid or quoted;
  - d. Entity’s status as a DBE or non-DBE firm; and,
  - e. Date of proposal.
- (d) It is the loan applicant’s responsibility to review all bids to determine if the bidders have fulfilled the DBE requirements.
- (e) Loan applicants should report their prime contractor’s DBE status to Illinois EPA when their bid is submitted. Note: prime contractors that are DBE certified and will utilize subcontractors must still advertise and comply with the DBE requirements.

### **3. Working with Consultants and Contractors**

Each loan applicant is responsible for ensuring their contractors and consultants understand the DBE requirements. Prior to and during the bidding process, the loan applicant should require that prime contractors and prime consultants engage in all the following, to the maximum extent possible:

- (a) Require that prime contractors employ the six Good Faith Efforts for all phases of the project, even if fair share objectives have already been achieved. This includes:
  - i. When awarding subcontracts (including any procurement of equipment, supplies, materials, or services); and,
  - ii. When soliciting a replacement subcontractor.
- (b) When economically feasible, the total work to be contracted should be divided into smaller tasks which make it easier to achieve participation of DBEs to provide goods and/or services.
- (c) Require prime contractor(s) to pay subcontractors for satisfactory performance no more than 30 days from the prime contractor’s receipt of payment from the loan recipient.
- (d) Provide written notice to the loan applicant or recipient prior to any termination of a DBE subcontractor.

### **4. Monitoring the Approved Project**

The loan applicant is ultimately responsible for monitoring the ongoing compliance with the DBE requirements. If the loan recipient, consultant, or the contractor fails to adhere to the policy, the Illinois EPA may recommend imposing sanctions provided for in the U.S. EPA regulations or State Loan Rules.

## 5. Required DBE Language and Nondiscriminatory Language for Contracts

Loan applicants are responsible for ensuring that required DBE language appears in all relevant documents. There is required language for (A) Bid Advertisements; (B) Contracts for Architectural/Engineering Services; and (C) All Prime Contracts. The required language for each appears below.

- A. Advertisements for bidding purposes by the loan applicant must include the statement shown below. Highlighted text is multiple choice and should be edited accordingly.

*“Any contract or contracts awarded under this invitation for bids are expected to be funded in part by a loan from the Illinois Environmental Protection Agency (Illinois EPA). Neither the State of Illinois nor any of its departments, agencies, or employees is or will be a party to this invitation for bids or any resulting contract. The procurement will be subject to regulations contained in the Procedures for Issuing Loans from the **Public Water Supply Loan Program (35 IAC Part 662) or the Water Pollution Control Loan Program (35 IAC Part 365)**, the Davis-Bacon Act (40 USC 276a through 276a-5) as defined by the United States Department of Labor, the Employment of Illinois Workers on Public Works Act (30 ILCS 570), IL Works Jobs Program Act (30 ILCS 559/20-1) and the federal “Build America, Buy America Act” requirements contained in the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58. This procurement is also subject to the loan recipient’s policy regarding the increased use of disadvantaged business enterprises (DBEs). The loan recipient’s policy requires all bidders to undertake specified affirmative efforts at least sixteen (16) days prior to bid opening. The policy is contained in the specifications.*”

- B. All Architectural, Engineering, or other professional services agreements must include the following statements:

*“The **ENGINEER OR ATTORNEY OR OTHER** agrees to take steps to assure that disadvantaged business enterprises (DBEs) are utilized when possible as sources of supplies, equipment, construction, and services in accordance with the \_\_\_\_\_ (**insert Water Pollution Control or Public Water Supply**) Loan Program rules, as required by the award conditions of USEPA’s Assistance Agreement with Illinois EPA. The ENGINEER acknowledges that the fair share percentages are 5% for MBEs and 12% for WBEs.”*

- C. All Prime Contracts, including Architectural, Engineering, or other professional services agreements must include the following “Nondiscrimination Clause”:

*“The **CONTRACTOR OR ENGINEER OR OTHER** shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 C.F.R. Part 33 in the award and administration of contracts under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.”*

## Part II: Prime Contractor Requirements and Procedures

Bidders of any prime contracts for projects to be funded either fully or partially by the Illinois CWSRF or DWSRF programs must comply with the following steps in order to meet the requirements for obtaining DBE subcontractors. **Prime contractors who are DBEs must still comply with the requirements.**

### 1. Prior to Bid Submission

The following activities must be initiated and completed by the bidder prior to bid submission.

- (a) When economically feasible, the total work to be subcontracted should be divided into smaller tasks to enable maximum participation of DBEs wherever they are potential sources of equipment, materials, supplies, and/or services.
- (b) Advertise any subcontracting opportunities, including the procurement of equipment, materials, supplies, or services, in one of the following ways:
  - i. Advertise for one day in a local, daily newspaper. The newspaper with the largest readership in the region must be utilized; or
  - i. Place the advertisement for bids in an established online clearinghouse such as Dodge Report ([www.construction.com](http://www.construction.com)), Construction Connection, ([https://projects.constructconnect.com/?utm\\_source=iSqFt](https://projects.constructconnect.com/?utm_source=iSqFt)) or an equivalent website.

Newspaper is the preferred method as it is very easy to document compliance. All advertisements must run for one day at least 16 days prior to the bid opening date. Contractors should be able to provide the loan applicant documentation that the bid was appropriately advertised. For newspapers, a clipping of the advertisement as well as an affidavit or receipt from the newspaper showing the date(s) the advertisement ran are sufficient. For online databases, contractors should provide an email confirmation or other receipt documenting that the bid was published as well as a saved screenshot or PDF showing the advertisement. An active weblink/URL to the advertisement must also be provided.

An advertisement for subcontractors should contain the project name, location, type of subcontracting opportunities that exist, bid opening date, and project contact information. An example of an acceptable advertisement for subcontractor opportunities is on the next page.

**Notice to Disadvantaged Business**

Lambert Construction Company is seeking qualified, disadvantaged businesses (DBEs) for the Big City Treatment Plant Project located in Big City, IL. Project subcontracting opportunities exist in the following areas: concrete work, painters, welders, manicurists, and pipefitters. All disadvantaged and other businesses should contact Mr. Lambert in writing (certified letter, return receipt requested) or by e-mail to discuss the subcontracting opportunities. All negotiations must be completed prior to XX/XX/XX\*. Submittals must be mailed to: Mr. Lambert, 123 Fourth St., Destin, IL 98765. E-mail: fake\_ad@dotcom

\*Bid opening date

- (c) Ensure that evaluation criteria included in the advertisement are not restrictive or exclusionary and that the criteria will allow for objective evaluation of both DBE and non-DBEs. The example ad does not contain criteria.
- (d) Ensure uniform and objective evaluation of proposals submitted by DBEs and non-DBEs in response to the advertisement. This evaluation should be based on cost and the criteria stated in the advertisement.
- (e) Allow a minimum of 16 days from the initial advertisement prior to bid opening to ensure that negotiations are completed prior to bid submission.

**2. Information Submitted to Illinois EPA from the Prime Contractor**

All bidders should provide the following information with their submitted bid. Failure to do so may cause rejection of the bid.

- (a) Completed, signed certification from the bidder(s), attesting that the bidder will award no subcontracts, including the procurement of equipment, materials, supplies and services, in the performance of this contract;

\*\*\*\*\*OR\*\*\*\*\*

Certificate of Publication or other adequate proof of publication which includes either:

- i. A copy of the advertisement and a receipt or affidavit of publication; or
- ii. A printed screenshot with URL showing the advertisement as it appeared or is currently appearing in an online clearinghouse and an email confirmation, receipt, or confirmation advertisement.

- (b) The prime contractor must maintain and submit a "Bidder's List" of all firms that provided bids/quotes for subcontracts. This list should include both DBE and non-DBE firms. Optional DBE Form #4 may be used for this purpose. The records should include:
  - i. The entity's name;
  - ii. The entity's mailing address, telephone number, and email address;
  - iii. The procurement on which the entity bid (welding, painting, supplies, etc.);
  - iv. Entity's status as a DBE or non-DBE firm; and,
  - v. Date of proposal.

- (c) List of all DBEs that submitted proposals but were not hired and justification for non-utilization. (DBE Form #1)
- (d) If DBE subcontractors will be utilized, completed and signed copies of DBE Subcontractor Utilization Form (DBE Form #3).
- (e) If DBE subcontractors will be utilized, completed and signed certification (DBE Form #1) from the bidder(s) attesting that they have no controlling or conflict of interest with the DBE(s).
- (f) If the bidder does not receive proposals from DBEs prior to bid opening, the bidder(s) must provide a written certification (DBE Form #1) attesting that no responses or proposals were received.

### **3. Contract Administration Requirements & Loss of the Disadvantaged Businesses**

Pursuant to federal regulations, contractors must comply with all DBE requirements for the duration of the contract. If the contractor fails to comply, the loan recipient may withhold payments and/or institute the appropriate sanctions.

- (a) Contractors must notify the loan recipient prior to any termination of a DBE subcontractor.
- (b) If a DBE subcontractor fails to complete work under the subcontract for any reason, the prime contractor must comply with the six Good Faith Efforts if soliciting a replacement subcontractor.

## Part III: Consultants Requirements and Procedures

This section mainly applies to consultants hired for the construction phase of a project as most design-phase consultants are hired prior to beginning the loan application process. Design-phase consultants should follow the six Good Faith Efforts on page 3 and utilize DBEs whenever possible. The degree of DBE utilization during the design phase must be reported to Illinois EPA before loan funds are obtained for pre-construction activities.

### 1. Construction-Phase Requirements

The consultant must undertake the following efforts to comply with DBE program requirements:

- (b) When economically feasible, the total work to be subcontracted should be divided into small tasks to enable maximum participation of DBEs whenever they are potential sources of goods and/or services.
- (c) Advertise any subconsulting opportunities, including the procurement of equipment, materials, supplies, or services, in one of the following ways:
  - i. Advertise for 1 day in a local, daily newspaper. The newspaper with the largest readership in the region must be utilized; or
  - ii. Place the advertisement for bids in an established online clearinghouse such as Dodge Report ([www.construction.com](http://www.construction.com)), Construction Connection, ([https://projects.constructconnect.com/?utm\\_source=iSqFt](https://projects.constructconnect.com/?utm_source=iSqFt)) or an equivalent website.

Consultants should be able to provide documentation that the opportunity was appropriately advertised. Before a subconsultant is selected, ample time must be given to allow DBEs to respond and submit proposals. Illinois EPA recommends 16 days prior to contract award. All negotiations should be completed prior to loan issuance.

- (d) Ensure that evaluation criteria included in the advertisement are not restrictive or exclusionary and that the criteria will allow for objective evaluation of both DBE and non-DBEs.
- (e) Consultants must uniformly and objectively evaluate the proposals submitted by DBEs (as well as other proposals) based upon the evaluation criteria stated in the advertisement.

## 2. Information Submitted to Illinois EPA from the Consultant

- (a) Completed, signed certification from the consultant(s), attesting that no sub-consultants will be utilized;

\*\*\*\*\*OR\*\*\*\*\*

Certificate of Publication or other adequate proof of publication which includes either:

- i. A copy of the advertisement and a receipt or affidavit of publication; or
  - ii. A printed screenshot with the URL showing the advertisement as it appeared or is currently appearing in an online clearinghouse and an email confirmation, receipt, or confirmation advertisement.
- (b) Consultant's list of all firms that submitted bids/quotes for sub-consulting. This list should include both DBE and non-DBE firms. Optional DBE Form #4 may be used for this purpose. The records should include:
- i. The entity's name;
  - ii. The entity's mailing address, telephone number, and email address;
  - iii. The procurement on which the entity bid (welding, painting, supplies, etc.);
  - iv. Entity's status as a DBE or non-DBE firm; and,
  - v. Date of proposal.
- (c) List of all DBEs that submitted proposals, but will not be used and justification for non-utilization (DBE Form #2).
- (d) If a DBE sub-consultant will be utilized, completed and signed copies of DBE Subcontractor Utilization Form (Form #3).
- (e) Completed and signed certification (DBE Form #2) from the consultant utilizing DBEs attesting that the consultant has no controlling or conflict of interest with the DBE.
- (f) If the consultant does not receive proposals from DBEs prior to bid opening, the consultant must provide a written certification attesting that no responses or proposals were received (DBE Form #2).
- (g) The consultants' positive effort documentation will be sent to Illinois EPA for review. Illinois EPA will make the final determination regarding the consultant's compliance or noncompliance with DBE requirements. Failure to properly solicit DBE subconsultants will result in subcontracted work being ineligible for loan funding.

### Changes in Scope of Work

Whenever there is a major increase in the project scope during the performance of a contract that would create additional subconsulting opportunities, the consultant should follow the procedures described above.

## Appendix I: Summary of Applicable Federal Regulations

The table below summarizes federal regulations where DBE program requirements can be found, with references to the applicable section of the Code of Federal Register (C.F.R.).

<b>Federal Regulations</b>	
40 CFR Part 33.103	Provides the definition and terms of DBEs
40 CFR Part 33.202	Discusses the qualifications required of an MBE or WBE to meet the statutory authority requirement
40 CFR Part 33.201, Part 33.204 and Part 33.205	Discusses the certification requirements of qualified MBEs and WBEs

## Appendix II: Summary of Basic DBE Requirements

### Minimum DBE Requirements

#### 1. **Loan Applicant (Village, City, etc.) Requirements.**

Loan applicants must advertise for DBEs in a regional, daily newspaper for a minimum of 1 day using the language shown in the example advertisement. Proof of advertising must be submitted to Illinois EPA. The recommended minimum bidding time is 45 days prior to bid opening.

Efforts to obtain DBEs, including proof of advertising, must be reported to the Agency. DBE status of the prime contractor must be reported to the Agency.

#### 2. **Prime Contractor Requirements.**

If the prime contractor has subcontracting opportunities, an ad for DBE subcontractors must be put in a **daily** regional newspaper. It must be published at least 16 days prior to bid opening. This allows subcontractors time to submit proposals and the prime contractor time to review the proposals. If an online clearinghouse is used in lieu of a newspaper ad, publication must still occur at least 16 days prior to bid opening.

DBE use or reason for non-utilization must be reported to the Agency. The prime contractor must provide selected DBE subcontractors a signed Letter of Intent (may use DBE Form #3 for this purpose). The prime contractor must keep records of contractors bidding or quoting on a subcontract which includes the entity's DBE status, address, phone number, and what procurement the entity bid or quoted (pipefitting, traffic control, etc.).

Efforts to obtain DBEs, including proof of advertising and information regarding utilization, must be reported to the Agency. Requirements apply to all prime contractors: regardless of their DBE status. Prime contractors that are DBE certified and will utilize subcontractor(s) must still advertise and comply with the DBE requirements.

#### 3. **Engineer/Consultant Requirements.**

Construction Engineering: If the engineer has subcontracting opportunities, an ad must be put in a regional newspaper for a minimum of 1 day. This only applies to construction engineering. An established, online clearinghouse may be used in lieu of the newspaper.

Design Engineering: There is NOT an advertising requirement for design engineering; however, all consultants are required to make an effort to hire DBEs if subcontracting opportunities exist. Consultants must inform Illinois EPA if any subs were used. If DBE subs are hired, the cost of work completed by DBEs must be reported to Illinois EPA.

#### 4. **Illinois EPA Requirements.** Illinois EPA is required to report activity to the federal government. The report includes contractor and subcontractors' name, address, phone number, DBE classification, certifying Agency, and contract value.

## Appendix III: DBE Forms

Use of these forms is not required; however, reporting the information is mandatory. The forms were created by Illinois EPA to simplify the reporting requirements and replace expired federal reporting forms.

1. **Contractor Certification Form (DBE Form #1).** This form asks the contractor to certify that required steps were taken to utilize DBEs for its project.
2. **Consultant Certification Form (DBE Form #2).** This form asks the consultant to certify that required steps were taken to utilize DBEs for its project.
3. **Subcontractor Utilization Form (DBE Form #3).** This form is completed by all utilized DBEs attesting they are a certified MBE or WBE. Only certified DBEs are reportable to the federal government. The form must be signed by prime and the DBE. This form also captures the prime contractor's intended use of an identified DBE subcontractor and the estimated dollar amount of the subcontract.
4. **Bidders List (DBE Form #4).** This form is available to create a list of all subcontractors submitting proposals along with their DBE status. Using the form is optional, but the information is required.

**Illinois EPA Disadvantaged Business Enterprise (DBE) Program Form #1**  
**Contractor Certification Form**

**(To be completed by all Prime Contractors)**

Please check the appropriate boxes that apply and complete the information on the bottom of the form.

- This firm will award no subcontracts (including in the procurement of equipment, supplies, or services), in the performance of this contract.
  
- This firm advertised for DBE subcontractors according to the good faith efforts outlined in the Illinois EPA DBE Guidance Document.
  
- This firm received proposals from DBE(s) that will not be utilized. A list of the DBEs not hired, along with their address, phone number, and reason(s) for non-utilization, is below.

- This firm did not receive any inquiries from DBEs.

I certify that the above is true. I further certify that this firm and its partners, directors, and officers do not possess a controlling interest in ownership or conflict of interest or any other authority to control the DBE to be used during the performance of the contracts.

By: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
Company: \_\_\_\_\_

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

**Illinois EPA Disadvantaged Business Enterprise (DBE) Program Form #2  
Consultant Certification Form**

**(To be completed by all Prime Consultants)**

Please check the appropriate boxes that apply and complete the information on the bottom of the form.

- This firm will award no subcontracts (including in the procurement of equipment, supplies, and services), in the performance of this contract.
  
- This firm advertised for DBE subcontractors according to the good faith efforts outlined in the Illinois EPA DBE Guidance Document.
  
- This firm received proposals from DBE(s) that will not be utilized. A list of the DBEs not hired, along with their address, phone number, and reason(s) for non-utilization, is below.

- This firm did not receive any inquiries from DBEs.

I certify that the above is true. I further certify that this firm and its partners, directors, and officers do not possess a controlling interest in ownership or conflict of interest or any other authority to control the DBE to be used during the performance of the contracts.

By: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
Company: \_\_\_\_\_  
  
Date: \_\_\_/\_\_\_/\_\_\_\_\_

## Illinois EPA Disadvantaged Business Enterprise (DBE) Program Form #3 Subcontractor Utilization Form

(Only complete this form if DBE subcontractors or sub-consultants will be working on a project)

This form is intended to capture the DBE subcontractor's description of work to be performed and the price of the work submitted to the prime contractor. All subcontractors must complete this form, and it must be included in the prime contractor's bid package.

Subcontractor Name	Project Name
Contact Person's Name & Title	
Address	
Telephone	Email
DBE Certified By:	Select all that apply. At least one is required: <b>MBE    WBE    SBE    DBE</b>
Prime Contractor Name	
<b>Type of Work to be Performed</b>	<b>Cost Estimate of Work</b>

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to using the subcontractors above. I am aware that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 C.F.R. Part 33 Section 33.302(c).

<b>Prime Contractor Signature:</b>	<b>Print Name:</b>
<b>Date:</b>	<b>Title:</b>
<b>Subcontractor Signature:</b>	<b>Print Name:</b>
<b>Date:</b>	<b>Title:</b>

**Illinois EPA Disadvantaged Business Enterprise (DBE) Program Form #4, Bidders List  
 (Only complete this form if subcontractors or sub-consultants will be working on a project)**

Using this form/format is optional. Other formats are acceptable.

Company Name & Contact Person	Address	Phone No. w/ area code	Email	Proposed Work (supplies, paint, paint etc.)	DBE Status (MBE, WBE, DBE, SBE)
					Check if Hired <input data-bbox="1843 641 1913 673" type="checkbox"/>
					Check if Hired <input data-bbox="1843 881 1913 914" type="checkbox"/>
					Check if Hired <input data-bbox="1843 1101 1913 1133" type="checkbox"/>
					Check if Hired <input data-bbox="1843 1307 1913 1339" type="checkbox"/>