

## **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 26: 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 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.** 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 (10) calendar days from the date of the request by the Department.

**Failure to provide the documentation, satisfactory to the Department, detailing commitments made to MBEs and WBEs within ten (10) calendar days from the date of the request by 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 and not as a penalty 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 26.**

#### **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 solicited proposals from **at least a minimum of 5 MBEs and 5 WBEs for subcontracting** from the "Work Area" as defined in the Instructions to Bidders Section 26 and you solicited proposals from **at least a minimum of 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. Give 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. Complete Form 16B.
4. Include with its bid the additional documentation as required in these instructions and the Instructions to Bidders Section 26.
5. Have conducted all initial MBE/WBE solicitations at least ten (10) business days in advance of the bid opening day.

Failure to properly complete and submit Forms 16A and 16B and to provide the additional documentation as required in the Instruction to Bidders Section 26 with the bid shall result in the rejection of the bid.

### **Instructions for Statement 3**

Check box 3 and 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 at least a minimum of 5 MBEs and 5 WBEs for subcontracting** from the "Work Area" as defined in the Instructions to Bidders Section 26 and **you have not solicited proposals from at least 5 MBEs and 5 WBEs 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. Provide 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. Provide 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. Complete Form 16B to the extent that it has solicited MBEs and WBEs and included it with its bid.
5. Include with its bid the additional documentation as required in these instructions and the Instructions to Bidders Section 26.
6. Have conducted all initial MBE/WBE solicitations at least ten (10) business days in advance of the bid opening day.

Failure to properly complete and submit Forms 16A and 16B and to provide the additional documentation required in the Instruction to Bidders Section 26 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 DGS 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:

[www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx](http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx)

#### **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 a

lower 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. 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  
North Office Building  
401 North Street, Room 611  
Harrisburg, Pennsylvania 17120-0500  
717-783-3119**

**[FORM 16 IMMEDIATELY FOLLOWS]**

**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.

**FORM 16A – CERTIFICATION**

**This Form 16A must be completed by 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”, **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 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 minimum solicitation requirements** (at least 5 MBE subcontractors and 5 WBE subcontractors from the "Work Area" as defined in the Instructions to Bidders Section 26 and at least 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 26.

- We conducted all initial MBE/WBE solicitations at least ten (10) business days in advance of the bid opening day.

**The above five stipulations for this Section 2 of Form 16A are required and critical for the Bureau of Minority and Women Business Opportunities (BMWBO) to analyze and calculate the Bidder's solicitation and commitment. Failure to supply information related to the above four stipulations, including but not limited to, not indicating MBE and WBE participation levels, and failure 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 (at least 5 MBE subcontractors and 5 WBE subcontractors from the "Work Area" as defined in the Instructions to Bidders Section 26 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 26.
- We conducted all initial MBE/WBE solicitations at least ten (10) business days in advance of the bid opening day.

**The above six stipulations for this Section 3 of Form 16A are required and critical for the Bureau of Minority & Women Business Opportunities (BMWBO) to analyze and calculate the Bidder's Solicitation and commitment. Failure to supply information related to the above four stipulations, including but not limited to, not indicating MBE and WBE participation levels, and failure to provide a satisfactory explanation shall result in the rejection of your bid as not responsive.**

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

(1)	(2)
<b>Company Name:</b>	<b>Contact Person:</b>
<b>EIN No.:</b>	<b>Contract Number &amp; Point:</b>
<b>Address:</b>	<b>Project Name:</b>
<b>Telephone: (    )</b>	<b>County:</b>
<b>FAX No. : (    )</b>	<b>Bid Amt. (Base Bid #1): \$</b>
<b>E-Mail Address:</b>	

### Note to Bidders:

In completing this form, the Bidder must comply with the Form 16 – Instructions and the Instruction for Bidders Section 26. 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 26 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 26 for complete detail):
  - a. Solicit **at least a minimum** of 5 MBE Subcontractors, 5 WBE Subcontractors, 5 MBE Suppliers and 5 WBE Suppliers;
  - b. Initiate all solicitation at least ten (10) 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 26, 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.

**NOTE: Only the solicitation of firms certified by DGS as MBEs and WBEs will count toward meeting the MPLs. A complete list of DGS-Certified MBEs and WBEs can be found at <http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx>.**









