

# DBE & M/W/SDVBE LETTERS OF INTENT & SCHEDULES OF PARTICIPATION

## GUIDANCE & FREQUENTLY ASKED QUESTIONS

15 September 2020

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# Guidance for Completing the Schedule of Participation and Letter of Intent

## Overview

- **The Schedule of Participation, Letter(s) of Intent, and SDO Certification Letter must be submitted by the close of business on the third (3rd) business day after bid opening (i.e. if bids are opened on Tuesday the forms must be submitted by Friday). If a bidder does not get their package in on time, the Department may consider rejection.**
- Every project requires a Schedule of Participation and Letter of Intent. These documents define the participation of Disadvantaged Business Enterprises (DBE) for federally-funded projects and Minority, Women, or Service Disabled Veteran Owned Business Enterprises (M/WBE or SDVBE) for state-funded projects.
  - For projects that include federal funding, a DBE Schedule of Participation Form B00853 and Letter of Intent Form B00854 are required
  - For projects using only state funding, a M/WBE Schedule of Participation Form B00842 and Letter of Intent Form B00843 are required, and/or SDVOBEs Schedule of Participation B00844 and SDVOBE Letter of Intent B00845
- In addition to completed Schedule of Participation and Letter of Intent forms, each DBE or M/WBE must submit the appropriate Certification Letter from the Supplier Diversity Office (SDO).
- **Original/wet signatures and electronic signatures are acceptable.**
- See the **Frequently Asked Questions** section for further assistance.
- Reference materials:
  - Document 00718: Special Provision for Participation by Minority or Women Business Enterprises (M/WBE) and Service Disabled Veteran Owned (SDV) Business Enterprises
  - Document 00719: Special Provisions for Participation by Disadvantaged Business Enterprises (DBEs)

# DBE Program (Federally Funded Projects)

## Certification Letter


A DBE Certification Letter from the Supplier Diversity Office (SDO) must be submitted with the Schedule of Participation and Letter of Intent.

	Charles D. Baker, Governor Karyn E. Polito, Lieutenant Governor Stephanie Pollack, MassDOT Secretary & CEO	<b>massDOT</b> Massachusetts Department of Transportation  DBE Certification Office   MassUCP
June 28, 2019		
		
This letter serves as sole and exclusive proof of your firm's DBE certification		
Dear 		
Congratulations! The Massachusetts Unified Certification Program (MassUCP), is pleased to notify you that we have renewed your company as a disadvantaged business enterprise (DBE). Your company continues to be assigned NAICS Code(s) 238140 and 237310 with the certified business description of <b>MASONRY WORK, CONCRETE WORK, CEMENT WORK, REBUILD CATCH BASIN, ADJUSTMENT IN MANHOLES, INVERTS, INSTALLATION OF CURBING, CONCRETE SIDEWALKS, RETAINING</b>		

## Schedule of Participation (DBE Form 853)

The DBE and M/W/SDVBE Schedules of Participation forms are very similar. The DBE form 853 must be used for projects that include federal funding. The M/WBE Schedule of Participation forms 842 is used for projects that include only state funding.

The top portion of the form includes general information. The Bidder's name (Prime Contractor's), date of bid opening, MASSDOT project number (provided by MassDOT), Federal-aid project number, and city or town of project location (provided by MassDOT).

Massachusetts Department Of Transportation	 Massachusetts Department of Transportation Highway Division	Highway Division
Proposal No. XXXXXX-CCCCC		
DOCUMENT B00853		
SCHEDULE OF PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES (DBES)		
PRIME BIDDER: _____		
DATE OF BID OPENING: _____ PROJECT NO.: XXX		
FEDERAL AID PROJECT NO. XXX		
PROJECT LOCATION: XXX		

The Main Section of the Schedule of Participation consists of a grid with five (5) columns - all applicable sections must be completed.

Name, Address, and Phone Number(s) of DBE	Name of Activity	(a)† DBE Contractor Activity Amount <i>Construction Work</i>	(b) DBE Other Business Amount <i>Services, Supplies, Material</i>	(c) Total amount eligible for credit under rules in Section 6 of Document 00719 - DBE Special Provisions
↓	↓	↓	↓	↓
Name, address & phone number of each DBE	Define <i>exact</i> Scope of Work. Submitted DBE must be currently SDO-certified in the specific category of work proposed for participation	*Must be at minimum 50% of DBE participation goal. Valued at 100% in column (c)	Must not exceed 50% of the total activity amount. **Valued at 60% in column (c)	Sum of column (a) valued at 100% & column (b) valued at 60%**
Total Bid Amount		\$		\$
\$	Total Bid:	%		%

† Column (a) must be at least one-half of the DBE participation goal. Attach additional sheets as necessary.

**NOTE:** Columns (a) and (c) should be individually totaled at the bottom of the grid and should, at minimum, amount to the established goal percentage based on total dollar amount. Attach additional sheets as necessary.

\* At least 50% of total dollar amount must be construction work activity in the specific category(ies) of work for which the DBE is certified (by SDO) at the time of bid. The sum of column (a) must be at least 50% of the total in column (c).

\*\* On all contracts there is a “60% Rule” which is used to count the Prime Contractor’s expenditures with DBEs for materials or supplies toward DBE participation goals. If the material suppliers are from a certified DBE material supplier and the products are “off the shelf” (which are normally stocked items that will not be substantially altered), 60% of the dollar amount may be credited toward the goal. For example, materials for \$1,000 should be listed as \$1,000 in column (b) and counted as \$600 towards the overall goal in column (c). If a material supplier will substantially alter the materials or supplies, 100% of the dollar amount may be counted towards the established goal. If the material supplier is also the manufacturer of the product(s) being supplied, 100% of the dollar amount may be counted towards the established goal. If the supplier also installs the materials 100% of the dollar amount may be counted towards the established goal. For materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, MassDOT will count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site toward the Contract participation goal, provided that MassDOT determines the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services; the cost of the materials and supplies themselves will not be counted. May not exceed 50% of the total activity.

On the DBE Schedule of Participation B00853, the final section asks whether a Joint Check Approval is being submitted; select yes, no, or unknown at this time.

Indicate whether a third-party (i.e. manufacturer) will be used to deliver materials or perform any portion of the work.

<p>Is MassDOT Document B00855 (Joint Check Approval) being submitted for any of the above? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Known at This Time</p> <p>Will any of the contractors listed above be using a third party (i.e. manufacturer) to deliver materials or perform any portion of work by a third party? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>CERTIFICATION:</b> I HEREBY DECLARE, TO THE BEST OF MY KNOWLEDGE, THAT I HAVE READ THE SPECIAL PROVISIONS FOR PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES - DOCUMENT 00719. BOTH THIS SCHEDULE AND THE RELEVANT AND ACCOMPANYING LETTER(S) OF INTENT ARE IN FULL COMPLIANCE WITH THE PROVISIONS OF, AND IN ACCORDANCE WITH, TITLE 49 CODE OF FEDERAL REGULATIONS, PART 26 (49 CFR Part 26).</p>


The Schedule of Participation form must be signed and dated. Include the name and title of signatory, and contact information.


<p>SIGNATURE: _____ DATE _____</p> <p>NAME AND TITLE (<i>PRINT</i>): _____</p> <p>EMAIL ADDRESS: _____ TEL NO.: _____</p> <p>*** END OF DOCUMENT ***</p> <p>_____</p> <p>B00853 - 1</p>
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The Schedule of Participation and the Letter(s) of Intent must be submitted by the close of business on the third (3<sup>rd</sup>) business day after bid opening (i.e. if bids are opened on Tuesday the forms must be submitted by Friday).

## Letter of Intent (DBE Form 854)

The Letter of Intent form is required for all projects. Form B00853 (DBE) is used for federally-funded projects.

 Massachusetts Department Of Transportation Proposal No. XXXXXX-CCCCC		Highway Division
<b>DOCUMENT B00854</b> <b>DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION</b> <b>LETTER OF INTENT</b> (To be completed by the DBE – Page 1 of 2)		
TO:	<div style="border: 2px solid red; height: 20px;"></div>	(Prime Bidder)
FROM:	<div style="border: 2px solid red; height: 20px;"></div>	(DBE Firm)
RE: PROJECT NO.:	XXX	FEDERAL AID PROJECT NO.: XXX
PROJECT LOCATION:	XXX	
DATE OF BID OPENING:	<div style="border: 2px solid red; height: 20px;"></div>	
I,	<div style="border: 2px solid red; height: 20px;"></div>	authorized signatory of the above-referenced DBE firm hereby declare:
<i>Print Name</i>		

  
Massachusetts Department Of Transportation  
Proposal No. XXXXXX-CCCCC

**DOCUMENT B00854**  
**DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION**  
**LETTER OF INTENT**

TO: \_\_\_\_\_ (Prime Bidder)

FROM: \_\_\_\_\_ (DBE Firm)

RE: PROJECT NO. XXX FEDERAL AID PROJECT NO. XXX

PROJECT LOCATION: XXX

DATE OF BID OPENING: \_\_\_\_\_

I, \_\_\_\_\_ authorized signatory of the above-referenced DBE firm hereby declare:

1. I am currently a minority-owned or a disadvantaged business enterprise (DBE) by the Massachusetts Supplier Diversity Office ("SDO") formerly known as the State Office of Minority and Women Business Assistance (SOMWBA) or a (check all that apply, see Section 1 of the Special Provisions For Participation By Disadvantaged Business Enterprises, MassDOT Document 00719 Additional guidance is available at Title 48, Code of Federal Regulations, Part 26.15 (49 CFR Part 26.155))  
( ) CONTRACTOR ( ) REGULAR DEALER ( ) BROKER  
( ) MANUFACTURER ( ) TRUCKING OPERATIONS ( ) PROFESSIONAL SERVICES
2. My firm has the ability to manage, supervise and perform the activity described on page 2 of this Letter of Intent. If you are awarded the contract, my company intends to enter into a contract with your firm to perform the items of work or other activity described on the following sheet for the prices indicated.
3. There have been no changes affecting the ownership, control or independence of my company since my last certification review. \_\_\_\_\_ If any such change is planned or occurs prior to my company's completion of this project and work, I will give prior written notification to your firm and to the Massachusetts Department of Transportation ("MassDOT") Office of Civil Rights and SDO.
4. I have read the MassDOT proposal for the Project which may be entitled "Project Contract Documents and Special Provisions" or the draft "Contract" which includes MassDOT Document 00719, and acknowledge that my company will comply with that document and the requirements of 49 CFR Part 26.
5. For the purpose of obtaining subcontractor approval from MassDOT, my firm will provide to you:  
A. The following information work:  
(i) a resume, listing the qualifications and experience, of the superintendent or foreperson who will supervise on-site work;  
(ii) a list of equipment owned or leased by my firm for use on this project; and  
(iii) a list of all projects (public or private) upon which my firm is currently performing, is committed to perform, or intends to make a commitment to perform. I shall also include, for each project, the name and telephone number of a contact person for the contracting authority, person, or organization, the dollar value of the work, a description of the work, and my firm's work schedule for the project.  
B. The following services, materials or supplies:  
(i) a written agreement and invoice for the materials or supplies, and any other documents evidencing the terms of providing such items;  
(ii) information concerning brokers fees and commissions for providing services or materials; and  
(iii) a statement concerning whether my firm intends or will be required to use a joint check arrangement, and any other documents that may be required by MassDOT.

DBE Company Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

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The DBE Letters of Intent include Name of Bidder to whom the Letter of Intent is being submitted, Name of DBE, Project No., Federal Aid Project No., Project Location and date of bid opening. (The DBE federal format of the declaration included in the Letter of Intent is substantially longer than the M/W/SDVBE state format.)

The first sections of the form on Page 1 are *signed declarations from the DBE*. Enter the Prime Bidder, DBE Firm, Date of Bid Opening, and name of DBE authorized signatory at the top of the page.

**The Letter of Intent must be signed and dated at the bottom by the DBE submitting the form to the Prime Bidder.**



Items 1-5 in the following Declaration section pertain to the category of work, the certification status and their intent to perform a commercially useful function (to perform the work with their own workforce, management/supervision and equipment independently).

1. My company is currently certified as a Disadvantaged Business Enterprise (DBE) by the Massachusetts Supplier Diversity Office ("SDO"), formerly known as the State Office of Minority and Women Business Assistance (SOMWBA), as a: (check all applicable, see Section 1 of the Special Provisions For Participation By Disadvantaged Business Enterprises, MassDOT Document 00719 additional guidance is available at Title 49, Code of Federal Regulations, Part 26.55 (49 CFR Part 26.55)):

☐ CONTRACTOR      ☐ REGULAR DEALER      ☐ BROKER  
☐ MANUFACTURER      ☐ TRUCKING OPERATIONS      ☐ PROFESSIONAL SERVICES

2. My firm has the ability to manage, supervise and perform the activity described on page 2 of this Letter of Intent. If you are awarded the contract, my company intends to enter into a contract with your firm to perform the items of work or other activity described on the following sheet for the prices indicated.

3. There have been no changes affecting the ownership, control or independence of my company since my last certification review on                     , 20          . If any such change is planned or occurs prior to my company's completion of this proposed work, I will give prior written notification to your firm and to the Massachusetts Department of Transportation ("MassDOT") Office of Civil Rights and SDO.

4. I have read the MassDOT proposal for the Project which may be entitled "Project Contract Documents and Special Provisions" or the draft "Contract" which includes MassDOT Document 00719, and acknowledge that my company will comply with that document and the requirements of 49 CFR Part 26.

5. For the purpose of obtaining subcontractor approval from MassDOT, my firm will provide to you:

A. *The following construction work:*

(i) a resume, stating the qualifications and experience, of the superintendent or foreperson who will supervise on site-work;

(ii) a list of equipment owned or leased by my firm for use on this project; and

(iii) a list of all projects (public or private) upon which my firm is currently performing, is committed to perform, or intends to make a commitment to perform. I shall also include, for each project: the name and telephone number of a contact person for the contracting authority, person, or organization; the dollar value of the work; a description of the work; and my firm's work schedule for the project.

B. *The following services, materials or supplies:*

(i) a written agreement and invoices for the materials or supplies, and any other documents evidencing the terms of providing such items;

(ii) information concerning brokers fees and commissions for providing services or materials; and

(iii) a statement concerning whether my firm intends or will be required to use a joint check arrangement; and any other documents that may be required by MassDOT.

\_\_\_\_\_  
DBE Company Authorized Signature      Date \_\_\_\_\_

In item 1, the contractor must indicate what type of business they are certified as. See Document 00719 Special Provisions for Participation by Disadvantaged Business Enterprises for details.

- **Contractor (General or Prime Contractor, Bidder, and DB Entity):** a person, firm, or other entity that has contracted directly with MassDOT to provide contracted work or services.
- **Broker:** an Entity that has entered into a legally binding relationship to provide goods or services delivered or performed by a third party. A broker may be a DBE that arranges or expedites transactions but performs no work or installation services.
- **Regular Dealer:** a DBE firm that owns, operates, or maintains a store, warehouse, or other establishment in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
  - a) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business, and under its own name, in the purchase and sale of the products in question.
  - b) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates

distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by long term lease agreement and not on an ad hoc or contract by contract basis.

- c) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this definition.
- **Manufacturer:** a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles or equipment required under the contract and of the general character described by the specifications.
  - **Professional Services:** a firm providing bona fide services, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, toward DBE participation goals, provided it is determined that the fee is reasonable and not excessive as compared with fees customarily allowed for similar services
  - **Trucking Operations:** see Document 00718: Special Provision for Participation by DBEs for full definition

In item 3, enter the date of the most recent certification review. If the last certificate date is unknown, refer to the Certification Letter issued by the Supplier Diversity Office (SDO).

Sign and date page one of the Letter of Intent form and move to the second page.



Enter the Date of Bid Opening, Prime Bidder, and DBE at the top of the second page.

The second page of the DBE Letter of Intent form consist of 6 columns of information to be completed:

<u>Item number</u> <small>if applicable</small>	<u>NAICS</u> <u>Code</u>	<u>Description of Activity</u> <small>with notations such as Services, or Brokerage, Installation Only, Material Only, or Complete</small>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
<b>TOTAL AMOUNT:</b>					

*Please give full explanations, attach additional sheets if necessary.*

Column 1 - Includes information on Item Number(s) of work scope to be performed (Additional sheets may be added if the space within the allotted columns is insufficient as noted at the end of the form.)

Column 2 - Includes the specific North Amer. Industry Classification System (NAICS) Code(s) for work items defined in Column 2 ([See US Census website for details](#))

Column 3 - Is a description of Activity to be performed in Columns 1 & 2 with notations such as, Services or brokerage, Installation Only, Materials Only or Complete. (Additional sheets may be added if the space within the allotted columns is insufficient as noted at the end of the form.)

Column 4 - Defines the Quantity of items

Column 5 - Defines Unit Prices (if applicable)

Column 6 - Details Dollar Amount of Items & Activity (Work scope)

The DBE Letters of Intent concludes with another Declaration of sole performance of the work, services and/or material supplies outlined on the forms and are required to be signed and dated for submission.

**The Schedule of Participation and the Letter(s) of Intent must be submitted by the close of business on the third (3<sup>rd</sup>) business day after bid opening (i.e. if bids are opened on Tuesday the forms must be submitted by Friday).**

DOCUMENT B00854

DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION  
LETTER OF INTENT

(To be completed by the DBE – Page 1 of 2)

TO: [REDACTED] (Prime Bidder)FROM: [REDACTED] (DBE Firm)RE: PROJECT NO.: 608523 FEDERAL AID PROJECT NO.: STP(BR-OFF)-003S(281)XPROJECT LOCATION: PITTSFIELDDATE OF BID OPENING: 9/10/19I, [REDACTED], authorized signatory of the above-referenced DBE firm hereby declare:*Print Name*

1. My company is currently certified as a Disadvantaged Business Enterprise (DBE) by the Massachusetts Supplier Diversity Office ("SDO"), formerly known as the State Office of Minority and Women Business Assistance (SOMWBA), as a: (check all applicable, see Section 1 of the Special Provisions For Participation By Disadvantaged Business Enterprises, MassDOT Document 00719 additional guidance is available at Title 49, Code of Federal Regulations, Part 26.55 (49 CFR Part 26.55)):

☒ CONTRACTOR      ( ) REGULAR DEALER      ( ) BROKER  
( ) MANUFACTURER      ( ) TRUCKING OPERATIONS      ( ) PROFESSIONAL SERVICES

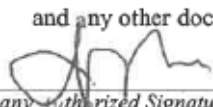
2. My firm has the ability to manage, supervise and perform the activity described on page 2 of this Letter of Intent. If you are awarded the contract, my company intends to enter into a contract with your firm to perform the items of work or other activity described on the following sheet for the prices indicated.
3. There have been no changes affecting the ownership, control or independence of my company since my last certification review on February 28, 2019. If any such change is planned or occurs prior to my company's completion of this proposed work, I will give prior written notification to your firm and to the Massachusetts Department of Transportation ("MassDOT") Office of Civil Rights and SDO.
4. I have read the MassDOT proposal for the Project which may be entitled "Project Contract Documents and Special Provisions" or the draft "Contract" which includes MassDOT Document 00719, and acknowledge that my company will comply with that document and the requirements of 49 CFR Part 26.
5. For the purpose of obtaining subcontractor approval from MassDOT, my firm will provide to you:

**A. The following construction work:**

- (i) a resume, stating the qualifications and experience, of the superintendent or foreperson who will supervise on site-work;
- (ii) a list of equipment owned or leased by my firm for use on this project; and
- (iii) a list of all projects (public or private) upon which my firm is currently performing, is committed to perform, or intends to make a commitment to perform. I shall also include, for each project: the name and telephone number of a contact person for the contracting authority, person, or organization; the dollar value of the work; a description of the work; and my firm's work schedule for the project.

**B. The following services, materials or supplies:**

- (i) a written agreement and invoices for the materials or supplies, and any other documents evidencing the terms of providing such items;
- (ii) information concerning brokers fees and commissions for providing services or materials; and
- (iii) a statement concerning whether my firm intends or will be required to use a joint check arrangement; and any other documents that may be required by MassDOT.

  
DBE Company Authorized Signature

Date

9/11/19

DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION  
LETTER OF INTENT

(To be completed by the DBE – Page 2 of 2)

DATE OF BID OPENING: 9/10/19

PROJECT NUMBER: 608523

FEDERAL AID PROJECT NUMBER: STP(BR-OFF)-003S(281)X

PROJECT LOCATION: PITTSFIELD

PRIME BIDDER: J.H. Maxymillian, Inc.

DBE COMPANY NAME: EDM Construction Inc.

Item number if applicable	NAICS Code	Description of Activity with notations such as Services, or Brokerage, Labor Only, Material Only, or Complete	Quantity	Unit Price	Amount
975.1	238120 ✓	Metal Bridge Railings S3-TL4 - JHM to provide Lull with Operator for installation	174FT	\$395.00/FT	\$68,730.00
TOTAL AMOUNT:					\$68,730.00

*Please give full explanations, attach additional sheets if necessary.*

I HEREBY VERIFY THAT EDM Construction Inc. WILL SOLELY  
(DBE company name)  
PERFORM THE WORK, OR PROVIDE THE SERVICES OR MATERIALS, AS DESCRIBED ABOVE.

DBE AUTHORIZED SIGNATURE: NAME AND TITLE (PRINT): Jacquelyn Magill, PresidentTELEPHONE NUMBER: [REDACTED] FAX NUMBER: 978-346-9833EMAIL ADDRESS: [REDACTED]

\*\*\* END OF DOCUMENT \*\*\*

Rev d 3/31/16

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# M/WBE Program (Only State-Funded Projects)

## Certification Letter


A M/WBE Certification Letter from the Commonwealth's Supplier Diversity Office (SDO) of the Operational Services Division (OSD) must be submitted with the Schedule of Participation and Letter of Intent.

 <p><b>OPERATIONAL SERVICES DIVISION</b> SUPPLIER DIVERSITY OFFICE</p>	<p><b>THE COMMONWEALTH OF MASSACHUSETTS</b> Executive Office for Administration and Finance <b>OPERATIONAL SERVICES DIVISION</b> One Ashburton Place, Suite 1017 Boston, MA 02108-1552</p> <p>Charles D. Baker Governor</p> <p>Karyn E. Polito Lieutenant Governor</p> <p>Michael J. Heffernan Secretary</p> <p>Gary J. Lambert Assistant Secretary for Operational Services</p>
	
Dear 	
<p>Congratulations! Your firm has been renewed as a woman business enterprise (WBE) with the Supplier Diversity Office ("SDO") under the business description of INSTALLATION AND ERECTION OF STRUCTURAL STEEL: COMPLEX AND SIMPLE, PRECAST CONCRETE, REINFORCING STEEL, POST-TENSIONING, TEMPORARY BRIDGE STRUCTURES, METAL DECKING, BEARINGS, MISCELLANEOUS AND ORNAMENTAL IRON; FABRICATION: SIMPLE BRIDGE STEEL, STRUCTURAL STEEL FOR BUILDINGS, MAJOR BRIDGE WITH FRACTURE CRITICAL ENDORSEMENT, MISCELLANEOUS AND ORNAMENTAL IRON. Your firm will be listed in the SDO Certified Business Directory and the <u>Massachusetts Central Register</u> under this description. <b>This letter serves as the sole proof of your SDO certification.</b> Your designation as a WBE is valid for three (3) years unless revoked pursuant to 425 CMR 2.00.</p>	

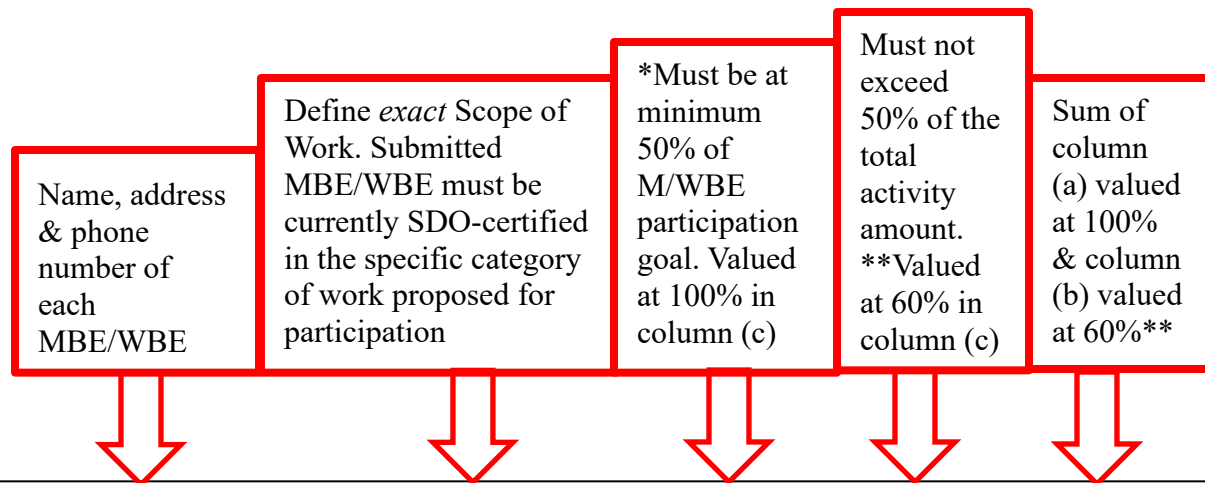
## Schedule of Participation (M/WBE Form 842)

The M/WBE Schedule of Participation forms 842 is used for projects that include only state funding.

The top portion of the form includes general information - the Bidder's name (Prime Contractor's) name, date of bid opening, MASSDOT project number (provided by MassDOT), and city or town of project location (provided by MassDOT).

Massachusetts Department Of Transportation	 Project No. XXXXXX	Highway Division
DOCUMENT B00842		
SCHEDULE OF PARTICIPATION BY MINORITY OR WOMEN BUSINESS ENTERPRISES (M/WBE)		
MASSDOT PROJECT NUMBER: <u>XXX</u>		
PROJECT LOCATION: <u>XXX</u>		
DATE OF BID OPENING: _____		
NAME OF PRIME BIDDER: _____		

The Main Section of the Schedule of Participation consists of a grid with five (5) columns - all applicable sections must be completed.



Name Address and Phone Number of M/WBE	Name of Activity	(a) M/WBE Contractor Activity Amount	(b) M/WBE Other Business Amount	(c) Total amount eligible for credit under rules in Section VIII of the Special Provisions
PSN Construction, Inc. 106 Carter Street Leominster, Ma 01453	Reinforced Concrete Excavation (Partial)	\$7,500		\$7,500
HiWay Safety Systems Inc. 9 Rockview Way Rockland, MA 02370	Furnish/Install Impact Attenuator	\$13,400		\$13,400
Atlantic Bridge and Engineering 150 High St., Hampton, NH 03842	Furnish Structural Steel		\$33,235	\$19,941
Total Bid Amount	TOTALS:	\$20,900.00		\$40,841.00
\$1,329,550.00	M/WBE Percentage of Total bid:	%1.572		%3.072

100% → 60% rule

**NOTE:** Columns (a) and (c) should be individually totaled at the bottom of the grid and should, at minimum, amount to the established goal percentage based on total dollar amount. Attach additional sheets as necessary.

\* At least 50% of total dollar amount must be construction work activity in the specific category(ies) of work for which the MBE/WBE/ SDVBE is certified (by SDO) at the time of bid. The sum of column (a) must be at least 50% of the total in column (c).

**\*\*** On all contracts there is a “60% Rule” which is used to count the Prime Contractor’s expenditures with M/W/SDVBEs for materials or supplies toward participation goals. If the material suppliers are from a certified M/W/SDVBE material supplier and the products are “off the shelf” (which are normally stocked items that will not be substantially altered), 60% of the dollar amount may be credited toward the goal. For example, materials for \$1,000 should be listed as \$1,000 in column (b) and counted as \$600 towards the overall goal in column (c). If a material supplier will substantially alter the materials or supplies, 100% of the dollar amount may be counted towards the established goal. If the material supplier is also the manufacturer of the product(s) being supplied, 100% of the dollar amount may be counted towards the established goal. If the material supplier also installs the materials or supplies 100% of the dollar amount may be counted towards the established goal. For materials or supplies purchased from a M/W/SDVBE which is neither a manufacturer nor a regular dealer, MassDOT will count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site toward the Contract participation goal, provided that MassDOT determines the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services; the cost of the materials and supplies themselves will not be counted. May not exceed 50% of the total activity.



The Schedule of Participation form must be signed and dated. Include the name and title of signatory, and contact information.

Column (a) must be at least one-half of the M/WBE percentage goal.

SIGNATURE:  Date:  Tel No:


NAME AND TITLE (PRINT):

BIDDERS ARE CAUTIONED TO REVIEW DOCUMENT 00718 -- SPECIAL PROVISION FOR PARTICIPATION BY MINORITY OR WOMEN BUSINESS ENTERPRISES AND SERVICE DISABLED VETERAN OWNED BUSINESS ENTERPRISES.

The Schedule of Participation and the Letter(s) of Intent must be submitted by the close of business on the third (3<sup>rd</sup>) business day after bid opening (i.e. if bids are opened on Tuesday the forms must be submitted by Friday).

## Letter of Intent (M/WBE - Form 843)

On page 1 of the M/WBE Form 843 Letter of Intent, write the M/WBE Company Name, and the Prime Contractor Name. The M/WBE must sign and date the first page.

Massachusetts Department Of Transportation	 Project No. XXXXXX	Highway Division
<b>DOCUMENT B00843</b> <b>MINORITY OR WOMEN'S BUSINESS ENTERPRISE PARTICIPATION LETTER OF INTENT</b> <b>PAGE 1 OF 2</b>		
MASSDOT PROJECT NUMBER: <u>XXX</u>		
PROJECT LOCATION: <u>XXX</u>		
DATE OF BID OPENING: _____		
FROM _____ <div style="text-align: center; font-size: small;">(Minority or Women's Business Enterprise Company)</div>		
TO: _____ <div style="text-align: center; font-size: small;">(Name of Prime Contractor)</div>		
<ol style="list-style-type: none"><li>1. My company is currently certified as an MBE or WBE by the Massachusetts Supplier Diversity Office, formerly known as the State Office of Minority and Women Business Assistance (SOMWBA). There have been no changes affecting the ownership, control or independence of my company since my last certification review.</li><li>2. If any such change occurs prior to my company's completion of this proposed work, I will give written notification to your firm and to the Massachusetts Department of Transportation (MassDOT).</li><li>3. (For contractor activity only.) My firm will provide to you, upon request, for the purpose of obtaining subcontractor approval from MassDOT; (1) a resume stating the qualifications and experience of the superintendent or foreperson who will supervise on site-work; (2) a list of equipment owned or leased by my firm for use on the project; (3) a list of all projects (public or private) which my firm is currently performing, is committed to perform, or intends to make a commitment to perform. I shall include, for each project, the names and telephone number of a contact person for the contracting organization, the dollar value of the work, a description of the work, and my firm's work schedule for the Project.</li><li>4. If you are awarded the Contract, my company intends to enter into an agreement with your firm to perform the items of work or other activity described on the following sheet for the prices indicated.</li><li>5. My firm has the ability to manage, supervise and perform the activity described on the following page.</li></ol>		
_____ M/WBE Authorized Signature	_____ Date	

Page 2 of the M/W/SDVBE Letter of Intent is similar in content to page 2 of the DBE Letter of Intent, but differs in format in that it contains 5 columns with slightly different fields. Enter the Date of Bid Opening and Prime Bidder at the top of the second page.

MINORITY OR WOMEN'S BUSINESS ENTERPRISE PARTICIPATION LETTER OF INTENT PAGE 2 OF 2				
MASSDOT PROJECT NUMBER: <u>XXX</u>				
PROJECT LOCATION: <u>XXX</u>				
DATE OF BID OPENING: _____				
NAME OF PRIME BIDDER: _____				
<u>Item number</u> <small>if applicable</small>	<u>Description of Activity</u> <small>with notations such as Installation Only, Material Only, or Complete</small>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
			TOTAL AMOUNT:	
M/WBE COMPANY NAME: _____				
M/WBE AUTHORIZED SIGNATURE: _____				
NAME AND TITLE (PRINT): _____				
TELEPHONE NUMBER: _____ FAX NUMBER: _____				
*** END OF DOCUMENT ***				

Item Number (Column 1) - Information on Item Number(s) of work scope to be performed (Additional sheets may be added if the space within the allotted columns is insufficient as noted at the end of the form.)

Description of Activity (Column 2) - A description of Activity to be performed in Columns 1 & 2 with notations such as, Services or brokerage, Installation Only, Materials Only or Complete. (Additional sheets may be added if the space within the allotted columns is insufficient as noted at the end of the form.)

Quantity (Column 3) - Quantity of items

Unit Price (Column 4) - Defines Unit Prices (if applicable)

Amount (Column 5) - Details Dollar Amount of Items & Activity (Work scope)

Additional sheets may be added if the space within the allotted columns is insufficient as noted at the end of the form.

Enter the M/WBE company name, authorized signature, name and title of authorized signatory, and contact information.

The M/WBE Letter of Intent includes a declaration of sole performance of the work, services and/or material supplies outlined on the forms and are required to be signed and dated for submission.

**The Schedule of Participation and the Letter(s) of Intent must be submitted by the close of business on the third (3<sup>rd</sup>) business day after bid opening (i.e. if bids are opened on Tuesday the forms must be submitted by Friday).**

# Frequently Asked Questions

## **Q1: Who do I contact if I have questions completing the forms during the submission process?**

If your questions are not addressed in this guidance document, please call the Massachusetts Department of Transportation's Office of Diversity and Civil Rights at (857) 368-8580.

## **Q2: When are the forms required to be submitted by the prime/apparent low bidder(s)?**

Completed DBE or M/W/SDVBE Letters of Intent and Schedules of Participation are due to MASSDOT from the first and second apparent low bidders and must be submitted by the close of business on the third (3<sup>rd</sup>) business day after bid opening.

## **Q3: To whom do the Sub-bidders/Sub-contractors submit the LOI form?**

To either one or both of the two lowest bidders/the two bidders with the lowest price per quality score point in a timely manner for them to meet the 3-business-day requirement of the bid process (detailed above).

## **Q4: Are there any other forms or information required to be submitted with the Schedules of Participation and the Letters of Intent?**

Yes, the named DBEs or M/W/SDVBEs SDO Certification Letters are to be included, along with any additional attachments or exhibits that may accompany item details if more space is required than the form allows and any Request Forms for Joint Check Agreements.

## **Q5: Can participation of a DBE or M/W/SDVBE as a Prime Contractor count toward achievement of the contract goal?**

DBEs and M/W/SDVBEs are not relegated to participation as subcontractors only. Both can also participate in contracts as prime contractors. On federally-funded contracts where a DBE is used to achieve the goal, if the DBE is also the prime contractor/apparent low bidder, its participation *may* be counted towards the established DBE goal.

On state-funded contracts, if the prime contractor/apparent low bidder is an M/W/SDVBE, they may not count their participation towards achieving the established M/W/SDVBE goal and must subcontract portions of the work to other certified M/W/SDVBEs to achieve the contract goal.

**Q6: How are material suppliers counted towards the goal?**

On all contracts there is a “60% Rule” for material supplies. If the material suppliers are from a certified DBE OR M/W/SDVBE material supplier and the products are “off the shelf” (which are normally stocked items that will not be substantially altered), only 60% of the dollar amount can be counted towards achieving the goal. If a material supplier will substantially alter the material supplies, 100% of the dollar amount may be counted towards the established goal. If the material supplier is also a manufacturer of the product(s) being supplied, 100% of the dollar amount may be counted towards the established goal.

**Q7: Can I use only material suppliers to meet the entire DBE and M/W/SDVBE goals on a contract?**

No – a minimum of 50% of the goal must be met through construction items.

**Q8: Are copies of documents acceptable, or do documents need to be originals with “wet signatures”?**

Original/wet signatures are required – copies will not be accepted.

**Q9: Are there any resources available to help find certified subcontractors?**

Please contact the Supplier Diversity Office of the Commonwealth’s Operational Services Division or visit their website at: <https://www.sdo.osd.state.ma.us/>