



To Whom It May Concern:

WSDOT revised small and veteran business requirements for state funded contracts. These changes go into effect on contracts advertised on or after November 4, 2024.

Overview of the changes:

- 1. WSDOT may increase small business goals on contracts to a maximum of 20% depending on project conditions.**
- 2. Bidders will now need to use the Office of Minority and Women's Business Enterprises (OMWBE) certified Public Works Small Business Enterprise's (PWSBEs) instead of Washington's Electronic Business Solution (WEBS) certified Small Business Enterprise (SBEs) to meet small business condition of award (COA) goals.**
- 3. Bidders will now need to use Department of Veterans Affairs certified Veteran-Owned Businesses instead of WEBS certified Veteran-Owned Businesses to meet COA goals.**
- 4. The General Special Provisions, forms and bid submission process have been updated to reflect these changes.**

Goal changes

Twenty percent is the cap for Public Works Small Business Enterprise (PWSBE) participation. This change will provide the capacity for the department to adjust small business contract goals as appropriate, including possibly moving to an entirely race and gender-neutral program. As WSDOT found in its most recent Disparity Study, minority and women-owned firms—many of which are also small businesses—make up 18 percent of WSDOT's contracting market. While individual contract conditions may vary, establishing the cap at 20 percent provides room for Small Business Enterprise (SBE) goals to be adjusted in response to changes in the contracting and legal landscape.

Certification changes

WSDOT will adopt the PWSBE certification administered by the Office of Minority and Women's Business Enterprises (OMWBE), making OMWBE the registering or certifying agency for small businesses that wish to become certified. This change will provide clarity and lower barriers to certification by making OMWBE a "one-stop shop" to businesses who wish to be certified as a Disadvantaged Business Enterprise (DBE) and/or PWSBE.

Public Works Small Business Enterprise (PWSBE) – A public works small business meeting the requirements of RCW 39.19 and WAC 326-20 and certified by the Washington State Office of Minority & Women's Business Enterprises. Public Works Small businesses can be located by searching the directory:

<https://omwbe.wa.gov/directory-certified-businesses>

To view businesses that count towards PWSBE, select the following OMWBE state certifications: Airport Concessionaire Disadvantaged Business Enterprise (ACDBE), Combination Business Enterprise (CBE), Disadvantaged Business Enterprise (DBE), Disadvantaged Business Enterprise (FAA Only) (DBE (FAA Only)), Minority Business Enterprises (MBE), Minority/Women Business Enterprise (MWBE), Public Works Small Business Enterprise (PWSBE), Small Business Enterprise (SBE), Socially and Economically Disadvantaged Business Enterprise (SEDBE), and Women Business Enterprise (WBE).

Search by Certification Type

CERTIFICATIONS

- Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
- Combination Business Enterprise (CBE)
- Disadvantaged Business Enterprise (DBE)
- Disadvantaged Business Enterprise (FAA Only) (DBE (FAA Only))
- Minority Business Enterprise (MBE)
- Minority/Women Business Enterprise (MWBE)
- Public Works Small Business Enterprise (PWSBE)
- Small Business Enterprise (SBE)
- Socially and Economically Disadvantaged Business Enterprise (SEDBE)
- Women Business Enterprise (WBE)

Please Note: Businesses with Federal DBE Certification are also SBEs. Businesses with any State Certification (MWBE, MBE, WBE, CBE, SEDBE) are also PWSBEs. These certifications are displayed differently and appear under “Additional Information” in every business profile. To search for SBE or PWSBE businesses, keep all certification types checked in the “Search by Certification Type” section, then scroll down to the “Search by Reference” section and select “Yes” in the drop down menu for either “SBE Certification” or “PWSBE Certification”. SBE and PWSBE businesses searches must be conducted separately. Selecting “Yes” in both menus will display incomplete search results. State funded projects will utilize PWSBE’s for their COA goals.

Search by Reference

UDBE

SBE CERTIFICATION

PWSBE CERTIFICATION

UBI #

CERTIFICATION NUMBER (Select all)
 Yes

Following these steps will ensure your search includes a complete list of minority- and women-owned businesses.

As of October 2024, all OMWBE State Certified businesses have been given PWSBE certification. You can learn more about that here: <https://content.govdelivery.com/accounts/WAOMWBE/bulletins/3bcbc76>. [Learn more here](#). Federally certified businesses can opt-in for State Certification with OMWBE. Opt-in options are available for businesses who have Small Business Enterprise (SBE), and Disadvantaged Business Enterprise (DBE). The opt-in option may not apply for out of state businesses that are only DBE interstate certified with OMWBE. In this case, a new PWSBE application may be required. For information on the certification process including a link to start your application, please visit:

<https://omwbe.wa.gov/certification/public-works-small-business-enterprise>

Veteran-Owned Business (VOB) – A veteran-owned business meeting the requirements of RCW 43.60A.010 and listed certified by the Department of Veterans Affairs. Veteran-Owned businesses can be located at:

<https://www.dva.wa.gov/veterans-service-members-and-their-families/veteran-owned-businesses>

General Special Provisions

Sections 1-02.6, 1-02.9, 1-02.13 and 1-07.11 have been updated. Updates are attached in track changes format. You may also see the current update available at:

<https://wsdot.wa.gov/engineering-standards/all-manuals-and-standards/general-special-provisions-gsp>.

Forms

The Public Works Small and Veteran Business Plan (Form 226-018) and the Public Works Small and Veteran Business Written Confirmation (Form 226-017) have been updated. The new forms are attached. You can download the form updates online at the links below.

Public Works Small and Veteran Business Plan:

<https://wsdot.wa.gov/publications/fulltext/forms/226-018.pdf>

Public Works Small and Veteran Business Written Confirmation Form:

<https://wsdot.wa.gov/publications/fulltext/forms/226-017.pdf>

Bid submission

Instructions to bid have been revised. Please see attached revised instructions. These instructions will be included in any bid proposal containing Condition of Award (COA) Public Works Small and Veteran Business (PWSVB) goals.

Questions?

Questions regarding the new processes or upcoming PWSVB program training should be directed to the Office of Equity and Civil Rights at (360) 705-7090.

1 (~~March 14, 2022~~November 4, 2024)
2 The Bidder shall submit a completed Public Works Small and Veteran-~~Owned~~ Business
3 Plan (SVB Plan, WSDOT Form 226-018) with the Bid, when required by the Special
4 Provisions.

5
6 For each and every Public Works Small Business Enterprise (PWSBE) or Veteran-Owned
7 Business (VOB) firm listed on the Bidder's completed SVB Plan, the Bidder shall submit
8 a completed PWSVBE Subcontractor Written Confirmation Form (WSDOT Form 226-
9 017) that confirms the listed firm is in agreement with the PWSVBE participation
10 commitment that the Bidder has made in the Bidder's completed PWSVB Plan. Bidder
11 must submit good faith effort documentation only in the event the Bidder's efforts to solicit
12 sufficient participation have been unsuccessful.

13
14 Directions for delivery of the PWSVB Plan, PWSVBE Subcontractor Written Confirmation,
15 and good faith effort documentation are included in Section 1-02.9.

1 **(November 4, 2024 ~~20, 2023~~)**

2 **SVBE PWSVB Document Submittal Requirements**

3 **General**

4 The Bidder shall submit supplemental documents that are identified with the Bidder's
5 company name, Project title, Bid date, and description of all contents (i.e., ~~Small and~~
6 ~~Veteran-Owned Business~~ PWSVB Plan, PWSVBE Subcontractor Written
7 Confirmation Documents, and/or PWSVBE GFE Documentation).

8
9 Submissions must be made by one of the following methods:

- 10
11 1. Physically in a sealed envelope marked as "BID SUPPLEMENT"; or
12
13 2. By facsimile to the following FAX number: 360-705-6966; or
14
15 3. By e-mail to the following e-mail address: DBEDoc@wsdot.wa.gov; or
16
17 4. Mailed to: Washington State Department of Transportation
18 Room 2D20
19 310 Maple Park Avenue SE
20 Olympia WA 98501-2361
21

22 The Contracting Agency is not responsible for delayed, partial, failed, illegible or
23 partially legible FAX or e-mail document transmissions, and such documents may be
24 rejected as incomplete at the Bidder's risk.

25
26 **Public Works Small and Veteran-Owned Business Plan (SVB Plan) (WSDOT
27 Form 226-018)**

28 The PWSVBE Plan shall be received no later than the time required for delivery of
29 the Bid. The Contracting Agency will not open or consider any Bid when the PWSVBE
30 Plan is received after the time specified for receipt of Bids or received as specified
31 by this Special Provision. The PWSVBE Plan may be submitted in the same
32 envelope as the Bid deposit.
33

34 **PWSVBE Subcontractor Written Confirmation (WSDOT Form 226-017) and/or**
35 **GFE Documentation**

36 The PWSVBE Subcontractor Written Confirmation Documents and/or GFE
37 Documents are not required to be submitted with the Bid. The SVBE Subcontractor
38 Written Confirmation Document(s) and/or GFE (if any) shall be received either with
39 the Bid or as a Supplement to the Bid. The documents shall be received no later
40 than 48 hours (not including Saturdays, Sundays, and Holidays) after the time for
41 delivery of the Bid. To be considered responsive, Bidders shall submit Written
42 Confirmation Documentation from each SVBE firm listed on the Bidder's completed
43 SVB Plan and/or the GFE as required by Section 1-02.6.
44

45 **NOTE: If the Bid is submitted electronically via Bidx.com through**
46 **AASHTOWare Project Bids™ software "BidExpress®", the PWSVB Plan may**
47 **be attached to the electronic Bid or submitted as a supplemental document as**
48 **defined above.**

| 1 Items 1k, 1l, and 1m of Section 1-02.13 are revised to read:

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(November 4, 2024)

- k. The Bidder fails to submit an PWSVB Plan (WSDOT Form #226-018) if applicable, as required in Section 1-02.6;

- l. The Bidder fails to submit Written Confirmations (WSDOT Form #226-017) from each PWSBE or VOB firm listed on the Bidder's completed PWSVB Plan that they are in agreement with the Bidder's PWSVBE participation commitment, if applicable, as required in Section 1-02.6, or if the written confirmation that is submitted fails to meet the requirements of the Special Provisions;

- m. The Bidder fails to submit PWSVBE Good Faith Effort documentation, if applicable, as required in Section 1-02.6, or if the documentation that is submitted fails to demonstrate that a Good Faith Effort to meet the Condition of Award in accordance with Section 1-07.11.

1 ~~(October 3, 2022~~November 4, 2024)

2 **Public Works Small and Veteran-Owned Businesses Enterprises**
3 **(PWSVBE) and Minority and Women's Business Enterprises (MWBE)**
4 **Participation**

5 **General Statement**

6 The participation of minority, public works small, veteran-owned, and women
7 business enterprises are an important strategic objective for the State of Washington.
8 Contractors shall not create barriers to open and fair opportunities for all businesses,
9 including MWBEs and PWSVBEs, to participate in the Work on this Contract.

10
11 **PWSVBE and MWBE Abbreviations and Definitions**

12 **Broker** - A business firm that provides a bona fide service, that assists in the
13 procurement of personnel, facilities, equipment, materials, or supplies required for
14 the performance of the Contract; or persons/companies who arrange or expedite
15 transactions (i.e., arranging a transaction or service but does not provide a work
16 product or enhancement).

17
18 **Commercially Useful Function (CUF)** – A firm performs a commercially useful
19 function when it is responsible for execution of the work of the contract and is carrying
20 out its responsibilities by performing, managing, and supervising the work involved.
21 To perform a commercially useful function, the firm must also be responsible, with
22 respect to materials and supplies used on the contract, for ordering, negotiating price,
23 paying for, determining quality and quantity, and installing (where applicable) for the
24 material itself.

25
26 The PWSVBE or MWBE firm does not perform a CUF if its role is limited to that of
27 an extra participant in a transaction, contract, or Project through which the funds are
28 passed to obtain the appearance of PWSVBE or MWBE participation.

29
30 **Good Faith Efforts** – Efforts to achieve either the PWSVBE Condition of Award
31 (COA) goals at the time of Bid or the PWSVBE Commitments in the PWSVB Plan at
32 the completion of the project. The efforts will demonstrate, by their scope, intensity,
33 and appropriateness to the objective, that the bidder can reasonably be expected to
34 fulfill the program requirement.

35
36 **Manufacturer (PWSVBE or MWBE)** – An PWSVBE or MWBE firm that operates or
37 maintains a factory or establishment that produces on the premises the materials,
38 supplies, articles, or equipment required under the Contract. A Manufacturer shall
39 produce finished goods or products from raw or unfinished material or purchase and
40 substantially alters goods and materials to make them suitable for construction use
41 before reselling them.

42
43 **Minority Business Enterprise (MBE)** – A minority owned business meeting the
44 requirements of RCW 39.19 and WAC 326-20 and certified by the Washington State
45 Office of Minority & Women's Business Enterprises.

46
47 Minority owned businesses can be located by searching the directory:

48
49 <https://omwbe.wa.gov/directory-certified-businesses>
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1 **Minority and Women’s Business Enterprises (MWBE)** - The combined term to
2 refer to both a Minority Business Enterprises (MBEs) and Women’s Business
3 Enterprises (WBEs).
4

5 **MWBE Goals (Voluntary)** – Efforts to provide MWBE opportunities are encouraged
6 in accordance with these Specifications and RCW 39.19.
7

8 Goals for voluntary MWBE participation have been established as a percentage of
9 Contractor’s total Bid amount.
10

11 The Contracting Agency has established the following two voluntary goals:
12

13	Minority	10%
14	Women	6%

15
16 **Public Works Small Business Enterprise (PWSBE)** – A public works small
17 business meeting the requirements of RCW 39.19 and WAC 326-20 and certified by
18 the Washington State Office of Minority & Women’s Business Enterprises. Public
19 Works Small businesses can be located by searching the directory:
20

21 ~~<https://omwbe.wa.gov/directory-certified-businesses> Any business that is~~
22 ~~owned and operated independently from all other businesses, has either fifty or~~
23 ~~fewer employees or has a gross revenue of less than seven million dollars~~
24 ~~annually as listed on federal tax returns or with the Washington State~~
25 ~~Department of Revenue, and is self-certified through the Washington State~~
26 ~~Department of Enterprise Services and listed as a “small, mini or micro~~
27 ~~business” in its certification.~~
28

29 ~~Small businesses can be located by searching the directories at:~~
30

31 ~~<https://pr-webs-vendor.des.wa.gov/>~~
32

33 ~~Information on how to search the WEBS directories is located at:~~
34

35 ~~[https://www.des.wa.gov/services/contracting-purchasing/doing-business-](https://www.des.wa.gov/services/contracting-purchasing/doing-business-state/webs-registration-search-tips)~~
36 ~~[state/webs-registration-search-tips](https://www.des.wa.gov/services/contracting-purchasing/doing-business-state/webs-registration-search-tips)~~
37

38 **Public Works Small and Veteran Businesses (PWSVB)** – The combined term to
39 refer to both Public Works Small Business Enterprises (PWSBEs) and Veteran-
40 Owned businesses (VOBs).
41

42 **PWSVBE COA Goals** – At the time of bid, this is the minimum dollar amount of
43 participation that the Bidder must commit to by submission of the PWSVB Plan
44 and/or by Good Faith Effort (GFE). Each goal is expressed as a percentage of the
45 Bid amount (as shown on the Proposal). There are two separate COA Goals that
46 must be met: one for Public Works Small Business Enterprises and one for Veteran-
47 Owned Businesses.
48

49 The Contracting Agency has established the following two enforceable COA Goals:
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51	<u>Public Works</u> Small Business Enterprise (<u>PWSBE</u>)	*** \$\$1\$\$ ***
52	Goal Veteran-Owned Business (VOB) Goal	*** \$\$2\$\$ ***

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PWSVBE Commitment – The dollar amount and scope of work the Bidder indicates on each line of their ~~Small and Veteran-Owned Business Plan (PWSVB Plan)~~ (WSDOT Form 226-018) for each PWSBE or VOB firm. These Commitments will be incorporated into the Contract and shall be considered Contract requirements.

Public Works Small and Veteran Business Plan (PWSVB Plan) - The Plan that shows the dollar amount of the commitments for both Public Works Small Business Enterprises and Veteran-Owned Businesses to meet the PWSVB COA Goals.

Subcontractor, (PWSVBE or MWBE) – An individual, partnership, firm, corporation, or joint venture who meet the definition of a Minority, Public Works Small Business, Women, or Veteran-Owned Business and who is sublet part of the Contract.

Supplier, (PWSVBE or MWBE) – A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of a Contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a Supplier, the ~~PWSVBE~~ or MWBE firm must be an established business that engages in as its principal business and in its own name the purchase and sale of the products in question. A Supplier in such items as steel, cement, gravel, stone, and petroleum products need not own, operate, or maintain a place of business if it both owns and operates distribution equipment for the products. Any supplementing of suppliers' own distribution equipment shall be by long-term formal lease agreements and not on an ad-hoc basis. Brokers, packagers, manufacturers' representatives, or other persons who arrange or expedite transactions shall not be regarded as Suppliers within the meaning of this definition.

Veteran-Owned Business (VOB) – A veteran-owned business meeting the requirements of RCW 43.60A.010 and ~~listed~~ certified by the Department of Veterans Affairs. Veteran-Owned businesses can be located at:

<https://www.dva.wa.gov/veterans-service-members-and-their-families/veteran-owned-businesses>
at: <https://pr-webs-vendor.des.wa.gov/>.

~~Information on how to search the WEBS directories is located at:~~

<https://www.des.wa.gov/services/contracting-purchasing/doing-business-state/webs-registration-search-tips>

Women Business Enterprise (WBE) – A women owned business meeting the requirements of RCW 39.19 and WAC 326-20 and certified by the Washington State Office of Minority & Women's Business Enterprises.

Women owned businesses can be located by searching the directory:

<https://omwbe.wa.gov/directory-certified-businesses>

1 **Procedures Prior to Award**

2 **PWSVBE Goals (Enforceable)**

3 **PWSVBE COA Goals**

4 The Contractor shall submit their PWSVB Plan (WSDOT Form 226-018) to
5 demonstrate attainment of the PWSBE and VOB COA Goals. PWSBE and
6 VOB Goals are independent. Work shown in the PWSVB Plan shall not
7 apply to both PWSBE and VOB Goals. If the Contractor cannot meet these
8 goals, a Good Faith Effort (GFE) is required.

9
10 Demonstrating compliance with the PWSBE and VOB COA Goals is a
11 Condition of Award of this Contract. Failure to comply with these
12 requirements may result in the Bid being found nonresponsive.

13
14 **PWSVBE Commitment**

15 The Contractor is required to utilize each PWSBE or VOB firm identified on
16 their PWSVB Plan (WSDOT Form 226-018) for each scope of work and
17 dollar amount listed. A firm that is registered as both a PWSBE and VOB
18 may split the total commitment between VOB and PWSBE to attain the
19 PWSBE and VOB COA Goals.

20
21 **PWSVB Plan**

22 To be eligible for award of the Contract, the Bidder shall properly complete and
23 submit a Public Works Small and Veterans-~~Owned~~ Business Plan (PWSVB
24 Plan). The PWSVB Plan shall be submitted on WSDOT Form 226-018. The
25 Bidder's PWSVB Plan shall be submitted as specified in Section 1-02.9. The
26 PWSVB Plan must clearly demonstrate how the Bidder intends to meet both the
27 PWSBE and VOB COA Goals. A PWSVB Plan (WSDOT Form 226-018) and
28 instructions on how to properly fill out the form are included in the Proposal
29 package.

30
31 When the Bidder elects to utilize force account Work to meet the PWSBE or
32 VOB COA Goals, as shown on its PWSVB Plan, the Bidder shall not commit
33 more than 50% of the force account bid item amount.

34
35 In the event of arithmetic errors in completing the PWSVB Plan, the amount
36 listed to be applied towards the PWSBE or VOB Goals for each PWSVBE firm
37 shall govern and the PSSVBE total amount shall be adjusted accordingly.

38
39 To be eligible for inclusion in the PWSVB Plan, PWSBE or VOB firms committed
40 must be certified as described herein prior to the due date for bids on the
41 Contract.

42
43 **Written Confirmation**

44 Prior to the award of the Contract and as specified in Section 1-02.9, the
45 Contractor shall submit the PWSVB Subcontractor Written Confirmation Form
46 (WSDOT Form 226-017) documentation from each PSSVBE firm listed on the
47 PWSVB Plan confirming their participation on the Contract for each amount
48 listed in the PWSVB Plan.

49

1 **Selection of Successful Bidder/Good Faith Efforts (GFE)**

2 The Contracting Agency will consider as non-responsive and will reject any Bid
3 Proposal submitted that does not contain a properly completed PWSVB Plan
4 that shows compliance with the PWSBE and VOB COA goals.

5
6 Compliance with the PWSVBE COA Goals requirements may be accomplished
7 in one of two ways:

- 8
9 1. By meeting the PWSVBE COA Goals
10 Submission of the PWSVB Plan, showing the Bidder has obtained
11 enough PWSBE or VOB participation to meet or exceed each of the
12 PWSVBE COA Goals
13
14 2. By documentation that the Bidder made adequate GFE to meet the
15 PWSVBE COA Goals
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17 The Bidder may demonstrate a GFE in whole or part through GFE
18 documentation ONLY IN THE EVENT a Bidder's efforts to solicit sufficient
19 PWSVBE participation have been unsuccessful. The Bidder must supply GFE
20 documentation in addition to the PWSVB Plan.
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22 GFE documentation shall be submitted as specified in Section 1-02.9.

23
24 **Document Submittal Requirements**

25 The Contracting Agency will review the GFE documentation and will determine
26 if the Bidder made an adequate GFE.
27

28 **GFE Documentation Prior to Award**

29 GFE is evaluated when determining award of a Contract that has PWSVBE COA
30 Goals. The efforts employed by the Bidder should be commercially reasonable
31 and demonstrate they are actively and aggressively trying to fulfill the
32 established PWSVBE COA Goals. Mere pro forma efforts are not commensurate
33 with a GFE.
34

35 The following is a list of types of actions, which would be considered as part of
36 the Bidder's GFE to achieve PWSVBE participation. It is not intended to be a
37 mandatory checklist, nor is it intended to be exclusive or exhaustive. Other
38 factors or types of efforts may be relevant in appropriate cases:
39

- 40 1. Soliciting through all reasonable and available means (e.g.,
41 attendance at pre-bid meetings, advertising and/or written notices)
42 the interest of all certified PWSVBE firms who have the capability to
43 perform the Work of the Contract. The Bidder must solicit this interest
44 within sufficient time to allow the PWSVBE to respond to the
45 solicitation. The Bidder must determine with certainty if the PWSVBE
46 firms are interested by taking appropriate steps to follow up initial
47 solicitations.
48
49 2. Selecting portions of the Work to be performed by PWSVBEs to
50 increase the likelihood that the PWSVBE COA Goals will be
51 achieved. This includes, where appropriate, breaking out Contract
52 Work items into economically feasible units to facilitate PWSVBE

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participation, even when the Bidder might otherwise prefer to perform these Work items with its own forces.

3. Providing interested PWSVBEs with adequate information about the Plans, Specifications, and requirements of the Contract in a timely manner to assist them in responding to a solicitation.
 - a. Negotiating in good faith with interested PWSVBEs. It is the Bidder's responsibility to make a portion of the Work available to PWSVBEs and to select those portions of the Work or material needs consistent with the available PWSVBEs, to facilitate PWSVBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of PWSVBEs that were considered; a description of the information provided regarding the Plans and Specifications for the Work selected for subcontracting; and evidence as to why additional agreements could not be reached for PWSVBE firms to perform the Work.
 - b. A Bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including PWSVBE subcontractors, and would take a firm's price and capabilities as well as the PWSVBE COA Goals into consideration. However, the fact that there may be some additional costs involved in finding and using PWSVBEs is not in itself sufficient reason for a Bidder's failure to meet the PWSVBE COA Goals, as long as such costs are reasonable. Also, the ability or desire of a Bidder to perform the Work of a Contract with its own organization does not relieve the Bidder of the responsibility to make a GFE. Bidders are not, however, required to accept higher quotes from PWSVBE firms if the price difference is excessive or unreasonable.
4. Not rejecting PWSVBE firms as being unqualified without sound reasons based on a thorough investigation of their capabilities. The Bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the Bidder's efforts to meet the PWSVBE COA Goals.
5. Making efforts to assist interested PWSVBE firms in obtaining bonding, lines of credit, or insurance as required by the recipient or Bidder.
6. Making efforts to assist interested PWSVBE firms in obtaining necessary equipment, supplies, materials, or related assistance or services.
7. Effectively using the services of available organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of PWSVBE firms.

- 1 8. Documentation of GFE must include copies of each PWSVBE and
2 non-PWSVBE subcontractor quotes submitted to the Bidder when a
3 non-PWSVBE subcontractor is selected over a PWSVBE for Work
4 on the Contract.
5

6 **Administrative Reconsideration of GFE Documentation Prior to Award**

7 A Bidder has the right to request reconsideration if the GFE documentation
8 submitted with their Bid was determined to be inadequate:
9

- 10 1. The Bidder must request within 48 hours of notification of being
11 nonresponsive or forfeit the right to reconsideration.
12
13 2. The reconsideration decision on the adequacy of the Bidder's GFE
14 documentation shall be made by an official who did not take part in
15 the original determination.
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17 3. Only original GFE documentation submitted as a supplement to the
18 Bid shall be considered. The Bidder shall not introduce new
19 documentation at the reconsideration hearing.
20
21 4. The Bidder shall have the opportunity to meet in person with the
22 official for the purpose of setting forth the Bidder's position as to why
23 the GFE documentation demonstrates a sufficient effort.
24
25 5. The reconsideration official shall provide the Bidder with a written
26 decision on reconsideration within five working days of the hearing
27 explaining the basis for their finding and at least 48 hours prior to
28 award.
29

30 **Procedures After Execution**

31 **MWBE Plan**

32 The Contractor shall submit a MWBE Participation Plan as a Type 2 Working
33 Drawing within 21 days after execution. The plan shall include the information
34 identified in the guidelines at:
35

36 [https://wsdot.wa.gov/sites/default/files/2021-
37 10/OEOWSDOTParticipationPlanDraftingGuidelines.pdf](https://wsdot.wa.gov/sites/default/files/2021-10/OEOWSDOTParticipationPlanDraftingGuidelines.pdf)
38

39 The Contractor shall submit an updated MWBE Participation Plan annually on
40 the date the original Participation Plan was submitted. The Contractor shall
41 provide a 30-calendar day review period for WSDOT review and comment on all
42 MWBE Participation Plan submittals.
43

44 **Commercially Useful Function (CUF)**

45 For PWSVBE and MWBE subcontractor and lower tier subcontractors, a valid
46 subcontract must fully describe the Scope of Work committed to be performed
47 by the firm. The subcontract shall incorporate requirements of the Contract.
48 Subcontracts of all tiers, including lease agreements, shall be made available
49 upon request.
50

51 The Contractor may only take credit for the payments made for work performed
52 by a PWSVBE or MWBE that is determined to be performing a CUF. Payment

1 must be commensurate with the work performed by the PWSVBE or MWBE. A
2 PWSVBE or MWBE that does not perform all of its responsibilities on a contract
3 has not performed a CUF and their work cannot be counted toward PWSVBE or
4 MWBE Goals.

5
6 Leasing of equipment from a leasing company is allowed. However,
7 leasing/purchasing equipment from the Contractor is not allowed. Lease
8 agreements shall be readily available for review by the Engineer.
9

10 For a PWSVBE or MWBE traffic control company to be considered to be
11 performing a CUF, the firm must be in control of its work inclusive of supervision.
12 The firm shall employ a Traffic Control Supervisor who is directly involved in the
13 supervision of the traffic control employees and services.
14

15 **Crediting Participation**

16 Participation will be evaluated to determine if the Contractor has met both the
17 PWSVBE Commitments and MWBE Goals at completion of the project.
18

19 All non-COA PWSVBE firms and MWBE firms shall be certified before the
20 subcontract on which they are participating is executed.
21

22 When a PWSVBE or MWBE firm loses its certification, the participation of that
23 PWSVBE or MWBE firm shall continue to count as PWSVBE or MWBE
24 participation as long as the subcontract with the PWSVBE or MWBE firm was
25 executed prior to the date the PWSVBE or MWBE firm lost its certification.
26

27 Only take credit for that portion of the total dollar value of the work that is equal
28 to the distinct, clearly defined portion of the Work that the PWSVBE or MWBE
29 performs with its own forces. The value of work performed by the PWSVBE or
30 MWBE includes the cost of supplies and materials purchased by the PWSVBE
31 or MWBE and equipment leased by the PWSVBE or MWBE, for its work on the
32 Contract. Supplies, materials, or equipment obtained by a PWSVBE or MWBE
33 that are not utilized or incorporated in the Contract work by the PWSVBE or
34 MWBE will not be eligible for PWSVBE or MWBE credit.
35

36 The supplies, materials, and equipment purchased or leased from the Prime
37 Contractor or its affiliate, including any Contractor's resources available to
38 PWSVBE or MWBE subcontractors at no cost, shall not be credited.
39

40 PWSVBE or MWBE credit will not be given in instances where the equipment
41 lease includes the operator. The PWSVBE or MWBE is expected to operate the
42 equipment used in the performance of its work under the contract with its own
43 forces. Situations where equipment is leased and used by the PWSVBE or
44 MWBE, but payment is deducted from the Contractor's payment to the PWSVBE
45 or MWBE is not allowed.
46

47 **PWSVBE Commitment**

48 Payments to each PWSVBE or VOB firm shall demonstrate that the
49 Commitments amounts have been met as shown on the SVB Plan.
50

51 Participation is credited to the PWSVBE Commitments upon payment to
52 the PWSVBE or VOB.

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MWBE Goals

Amounts paid to a MWBE will be credited to every MWBE Goal for which they are eligible. Participation may be credited for more than one category.

Participation is credited to the MWBE Goals upon payment to the eligible MWBE.

Prime Contractor Credit for Participation (PWSVBE or MWBE)

Only take credit for that portion of the Work performed that the PWSVBE or MWBE Prime Contractor did not sublet to other firms.

Subcontractor Credit for Participation

When the Prime contractor, subcontractor or lower tier subcontractor are part of a PWSVB or MWBE Plan, the following apply:

1. If a Prime Contractor, subcontractor, or lower tier subcontractor subcontracts a portion of the Work of its contract to another firm, the value of the subcontracted Work may be counted toward the PWSBE or VOB Commitments based on the following conditions:
 - a. If a PWSBE Prime Contractor, subcontractor, or lower tier subcontractor subcontracts to a PWSBE the value can count toward the PWSBE Commitment.
 - b. If a PWSBE Prime Contractor, subcontractor or lower tier subcontractor subcontracts to a non-PWSBE, the value cannot count toward the PWSBE Commitment.
 - c. If a VOB Prime Contractor, subcontractor, or lower tier subcontractor subcontracts with a VOB the value can count toward the VOB Commitment.
 - d. If a VOB Prime Contractor, subcontractor, or lower tier subcontractor subcontracts with a non-VOB the value cannot count toward the VOB Commitment.
 - e. Work subcontracted to a non-PWSVBE does not count towards the PWSVBE Commitments.
2. If a Prime Contractor, subcontractor, or lower tier subcontractor subcontracts a portion of the Work of its contract to another firm, the value of the subcontracted Work may be counted toward the MWBE Goals based on the following conditions:
 - a. Work subcontracted to a non-MWBE cannot be counted toward the MWBE goals.
 - b. Work subcontracted to another MWBE can be counted toward every MWBE goal for which the firm holds a certification.

- 1 c. Work subcontracted by a MWBE firm who also is a PWSVBE,
2 will be credited toward the PWSVBE Commitment as
3 described in section 1.
4
5 d. Work subcontracted to a non-MWBE cannot be counted
6 toward the MWBE goals.
7

8 **Broker Credit for Participation**

9 When a PWSVBE or MWBE participates as a broker (i.e., arranging a
10 transaction or service but does not provide a work product or
11 enhancement), only the dollar value of the reasonable fee may count toward
12 the PWSVBE Commitments or MWBE Goals. For purposes of PWSVBE or
13 MWBE Brokers, a reasonable fee shall not exceed 5 percent of the total
14 cost of the goods or services brokered.
15

16 **Manufacturer and Supplier Credit for Participation**

17 If materials or supplies are obtained from a PWSVBE or MWBE
18 Manufacturer, one hundred percent (100%) of the cost of materials or
19 supplies can count toward the PWSVBE Commitments or MWBE Goals.
20

21 One hundred percent (100%) of the cost of materials or supplies purchased
22 from a PWSVBE or MWBE Supplier may be credited toward meeting the
23 PWSVBE Commitments or MWBE Goals. If the role of the PWSVBE or
24 MWBE Supplier is determined to be that of a pass-through, then no credit
25 will be given for its services. If the role of the PWSVBE or MWBE Supplier
26 is determined to be that of a Broker, then credit shall be limited to the fee or
27 commission it receives for its services, subject to the provision listed in
28 "Broker Credit for Participation."
29

30 **Force Account Work**

31 One hundred percent (100%) of the actual amounts paid to a PWSVBE or
32 MWBE shall count toward the PWSVBE Commitments or MWBE Goals.
33

34 **Service Provider Credit for Participation**

35 When a PWSVBE or MWBE participates as a service provider or consultant
36 and provides a bona fide service such as professional, technical,
37 consultant, or managerial services, 100% of the total cost counts toward the
38 PWSVBE Commitments or MWBE Goals if the firm performs a CUF.
39

40 **Trucking Credit for Participation**

41 PWSVBE or MWBE trucking firm participation may only be credited as
42 participation for the value of the hauling services, not for the materials being
43 hauled unless the trucking firm is also certified as a supplier. In situations
44 where the firm's work is priced per ton, the value of the hauling service must
45 be calculated separately from the value of the materials in order to
46 determine credit for hauling.
47

48 The PWSVBE or MWBE trucking firm must own and operate at least one
49 licensed, insured, and operational truck on the contract. The truck must be
50 of the type that is necessary to perform the hauling duties required under
51 the contract. The firm receives credit for the value of the transportation

1 services it provides on the Contract using trucks it owns or leases, licenses,
2 insures, and operates with drivers it employs.

3
4 The PWSVBE or MWBE firm may lease additional trucks from another
5 SVBE or MWBE firm. The Work that a PWSVBE or MWBE trucking firm
6 performs with trucks it leases from other certified trucking firms qualify for
7 100% credit.

8
9 The trucking Work subcontracted to any non-PWSVBE or MWBE trucking
10 firm will not receive credit for Work done on the project. The PWSVBE or
11 MWBE trucking firm may lease trucks from a non-PWSVBE or MWBE truck
12 leasing company but can only receive credit as PWSVBE or MWBE
13 participation if the PWSVBE or MWBE firm uses its own employees as
14 drivers.

15
16 PWSVBE or MWBE credit for a truck broker is limited to the fee/commission
17 that the firm receives for arranging transportation services, subject to the
18 provision listed in "Broker Credit for Participation."

19
20 **Reporting Participation for Credit**

21 The Contractor and any subcontractor, supplier, service provider, broker, or
22 manufacturer of any tier that utilize PWSVBE or MWBE firms to perform
23 Work on the project, shall maintain appropriate records that will enable the
24 Engineer to verify PWSVBE and MWBE participation throughout the life of
25 the project.

26
27 Refer to Section 1-08.1 for additional reporting requirements associated
28 with this contract. The Contractor shall report amounts paid in accordance
29 with Section 1-08.1 in order to receive credit for participation.

30
31 **Changes in PWSVBE Commitment**

32 The Contractor shall utilize the PWSVBE Commitment (COA) firms to perform
33 all of the Work and supply all of the materials for which each is committed unless
34 otherwise approved in writing by the Engineer. Any reduction in the Work
35 committed to any PWSVBE Commitment (COA) firm, or performance of Work
36 previously designated for a PWSVBE Commitment (COA) firm by any other firm
37 or by the Contractor's own forces, shall be considered a termination, and
38 requires the prior written consent of the Engineer. Termination requests shall be
39 submitted in writing to the Engineer, who shall either grant or deny such request
40 in writing. No termination shall become effective unless and until the Engineer
41 provides written approval. Changes to PWSVBE Commitments will be
42 documented in accordance with Section 1-04.4 and shall be considered
43 amendments to the Contractor's PWSVB Plan.

44
45 **Approval of PWSBE Termination**

46 Termination of a PWSVBE Commitment (COA) firm is only allowed in whole
47 or in part for good cause and with written approval of the Engineer. If a
48 PWSVBE Commitment (COA) firm is terminated without the written
49 approval of the Engineer, the Contractor shall not be entitled to payment for
50 Work or material committed to, but not performed/supplied by, the PWSVBE
51 Commitment (COA) firm. In addition, the Contractor may be subject to the
52 remedies set forth elsewhere in this Special Provision.

1
2 Prior to requesting approval to terminate a PWSVBE Commitment (COA)
3 firm, the Contractor shall give notice in writing to the PWSVBE Commitment
4 (COA) firm with a copy to the Engineer of its intent to request to terminate
5 PWSVBE Commitment (COA) Work and shall cite the cause for doing so,
6 with supporting documentation. The PWSVBE Commitment (COA) firm
7 shall have five (5) days to respond to the Contractor's notice. The PWSVBE
8 Commitment (COA) firm's response shall either support the termination or
9 advise the Engineer and the Contractor of the reasons it objects to the
10 termination.

11 **Cause for Termination**

12 The Contractor must have good cause to terminate a PWSVBE
13 Commitment (COA) firm. Good cause includes situations where the
14 PWSVBE Commitment (COA) firm is unable or unwilling to perform the work
15 of its subcontract. Good cause may exist if:
16

- 17
- 18 1. The PWSVBE Commitment (COA) firm fails or refuses to execute
19 a written contract.
- 20
- 21 2. The PWSVBE Commitment (COA) firm fails or refuses to perform
22 the work of its subcontract in a way consistent with normal industry
23 standards.
- 24
- 25 3. The PWSVBE Commitment (COA) firm fails or refuses to meet the
26 Contractor's reasonable nondiscriminatory bond requirements.
- 27
- 28 4. The PWSVBE Commitment (COA) firm becomes bankrupt,
29 insolvent, or exhibits credit unworthiness.
- 30
- 31 5. The PWSVBE Commitment (COA) firm is ineligible to work on
32 public works projects because of suspension and debarment
33 proceedings pursuant to federal law or applicable State law.
- 34
- 35 6. The PWSVBE Commitment (COA) firm is ineligible to receive
36 PWSVBE COA credit for the type of work involved.
- 37
- 38 7. The PWSVBE Commitment (COA) firm voluntarily withdraws from
39 the project and provides written notice of its withdrawal.
- 40
- 41 8. The PWSVBE Commitment (COA) firm's work is deemed
42 unsatisfactory by the Engineer and not in compliance with the
43 Contract.
- 44
- 45 9. The PWSVBE Commitment (COA) firm's owner dies or becomes
46 disabled with the result that the PWSVBE Commitment (COA) firm
47 is unable to complete its work on the Contract.
- 48

49 Good cause does not exist if:

- 50
- 51 1. The Contractor seeks to terminate a PWSVBE Commitment
52 (COA) firm so that the Contractor can self-perform the work.

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2. The Contractor seeks to terminate a PWSVBE Commitment (COA) firm so the Contractor can substitute another PWSVBE firm or non-PWSVBE firm after Contract Award.

3. The failure or refusal of the PWSVBE Commitment (COA) firm to perform its work on the subcontract results from the bad faith or discriminatory action of the Contractor (e.g., the failure of the Contractor to make timely payments or the unnecessary placing of obstacles in the path of the PWSVBE Commitment (COA) firm's Work).

Owner-Initiated Changes

In instances where the Engineer makes changes that result in changes to Work that was part of a PWSVBE Commitment, the Contractor may be directed to substitute for the Work. The Contractor shall notify the Engineer if any owner-initiated change impacts the PWSVBE commitment, prior to any changes to the Contract. Changes will be addressed in accordance with Section 1-04.4.

Contractor-Initiated Changes

The Contractor cannot change the scope or reduce the amount of Work as part of a PWSVBE Commitment without good cause. Reducing a PWSVBE Commitment is viewed as a partial termination, and therefore subject to the termination procedures above.

Quantity Underruns

If a variation in estimated quantities occurs that affects a PWSVBE Commitment, that unmet Commitment will not be considered a termination, provided that the Contractor can demonstrate that the variation in quantities directly impacted the Commitment. The Contractor shall provide such documentation if requested by the Engineer.

The Contractor may be required to substitute other remaining Work to another PWSVBE firm to meet the dollar amounts committed to in their PWSVB Plan.

Good Faith Effort (GFE) Documentation After Execution

If the Contractor fails to fulfill the PWSVBE Commitment to in their PWSVB Plan, a Good Faith Effort shall be submitted for approval. GFE documentation shall follow the requirements for GFE Documentation Prior to Award.

In addition, the GFE shall address the impact of overruns and underruns on the ability of the Contractor to meet the dollar amounts committed to in their PWSVB Plan. Overruns and underruns may be considered a reason for not attaining the PWSVBE dollar amounts committed to in their PWSVB Plan. The GFE shall include enough information for the Engineer to evaluate the impact the overrun or underrun had on the PWSVBE participation.

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Administrative Reconsideration of GFE Documentation After Execution

When the Contracting Agency’s GFE documentation review determines a GFE has no merit, the Contractor has the right to request reconsideration of the Contracting Agency’s determination.

1. The Contractor must request reconsideration within five (5) working days of notification of GFE documentation being deemed inadequate.
2. The reconsideration decision on the adequacy of the Contractor’s GFE documentation shall be made by an official who did not take part in the original determination.
3. Only original GFE documentation submitted shall be considered. The Contractor shall not introduce new documentation at the reconsideration hearing.
4. The Contractor shall have the opportunity to meet in person with the official for the purpose of setting forth the Contractor’s position as to why the GFE documentation demonstrates a sufficient effort.
5. The reconsideration official shall provide the Contractor with a written decision on reconsideration within five (5) working days of the hearing, explaining the basis for their finding.

Remedies for Failure to Meet PWSVBE Requirements

Upon completion of a project, a Prime Contractor Performance Report will document whether the Contractor met the Commitments in their PWSVB Plan or GFE. Failure to meet the Commitments in the PWSVB Plan or provide an acceptable GFE may lead to the following:

1. Suspension of a Contractor's prequalification; and/or
2. Withholding from the Contractor of an amount up to the value of the un-met PWSBE or VOB Commitments

Failure to utilize the PWSVBE Commitment (COA) firms listed in the PWSVB Plan for the Work for which they were listed, unless termination was approved in in writing by the Contracting Agency, will be reflected on the Prime Contractor Performance Report.

Payment

Compensation for all costs involved with complying with the conditions of this Special Provision and any other associated PWSVBE or MWBE requirements are included in payment for the associated Contract items of Work, except otherwise provided in the Specifications.

To be eligible for Award of this Contract, the Bidder shall fill out and submit, a Public Works Small and Veteran Business Plan (PWSVB Plan) no later than the time specified for the Delivery of Proposals in accordance with 1-02.9. The PWSVB Plan shall indicate Public Works Small Business Enterprise (PWSBE) and Veteran-Owned-Business (VOB) Participation. The Contracting Agency shall consider as non-responsive and shall reject any Bid Proposal that does not contain this PWSVB Plan which documents the PWSVB firms to be used to meet the PWSVB participation requirements. **Incorrectly filled out forms may be considered non-responsive. If a firm is both a Public Works Small Business Enterprise and a Veteran-Owned Business please look at the instructions in the last page for guidance.**

Box 1: _____ certifies that the PWSVB firm(s) listed below have been contacted regarding participation on this project. If the Bidder listed here is successful in being awarded the Contract, the Bidder shall assure that subcontracts are executed with those firms listed below for the dollar amounts and scope shown.

Project Name: _____

LIST PWSBE COMMITMENTS HERE

Column 1A Name of Public Works Small Business Enterprise	Column 2A Project Role	Column 3A Bid Items	Column 4A Type of Work to be Performed	Column 5A Dollar Amount to be Applied to PWSBE COA Goal

LIST VOB COMMITMENTS HERE

Column 1B Name of Veteran-Owned Business	Column 2B Project Role	Column 3B Bid Items	Column 4B Type of Work to be Performed	Column 5B Dollar Amount to be Applied to Veteran Owned Business COA Goal

Box 3: Public Works Small Business Enterprise Condition of Award Goal Amount

Box 4: Total Public Works Small Business Enterprise Commitment Dollar Amount

Box 5: Veteran-Owned Business Condition of Award Goal Amount

Box 6: Total Veteran-Owned Business Commitment Dollar Amount

Box 7: By checking Box 7, the Bidder is stating that they were unsuccessful in attaining enough Public Works Small Business Enterprise or Veteran-Owned Business participation to meet the Condition of Award goal. If this box is checked the Bidder will be required to submit good faith effort documentation and a PWSVB participation plan as outlined in Section 1-07 of the Contract.

Public Works Small and Veteran Business Plan Instructions

Box 1: Name of Bidder

Box 2: Project Name

Column 1: Name of the PWSBE or VOB. PWSBE firms can be located by searching the directory at: <https://omwbe.wa.gov/directory-certified-businesses> VOB firms can be located at: <https://www.dva.wa.gov/veterans-service-members-and-their-families/veteran-owned-businesses>

Repeat the name of the PWSVB for each Project Role that will be performed.

***NOTE* A FIRM THAT IS REGISTERED AS BOTH PWSBE AND VOB MAY APPEAR ON BOTH SHEETS. USE THE CORRECT LIST IN ORDER TO BE COUNTED TOWARD THE EITHER PWSBE OR VOB GOAL. A FIRM THAT IS REGISTERED AS BOTH PWSBE AND VOB MAY SPLIT THE TOTAL COMMITMENT BY LISTING THE FIRM ON BOTH SHEETS, HOWEVER THE SAME WORK MAY NOT BE COUNTED TWICE.**

Column 2: The Project Role that the PWSVB will be performing as follows;

- Prime Contractor
- Subcontractor
- Manufacturer / Supplier
- Broker
 - Work sublet to a Broker must be listed separately.

List each project role to be performed by a single PWSVB individually on a separate row.

Column 3: This is the Bid Item Number(s). Multiple Bid Items may be listed on a single line.

Column 4: Provide a description of work to be performed by the PWSVB.

- A Bidder subletting a portion of a bid item shall state “**Partial**” and describe the Work that is included.
- For example; “Electrical (Partial) – Trenching”.

Column 5: List the total dollar value of work to be performed by the PWSVB firm toward the relevant goal.

Note 1: Work sublet to a Manufacturer / Supplier can count 100% toward the goal for all work for which the firm is certified.

Note 2: For Work sublet to a Broker the bidder **may only claim the fees** paid to a Broker towards meeting the goal not to exceed 5% of the cost of goods or services provided by the PWSVB Broker.

Note 3: For force account items, up to 50% of the Bid item amount may be committed toward the goal.

Box 3: Box 3 is the Public Works Small Business Enterprise COA Goal Amount which is the minimum **required Public Works Small Business participation** based on the goal stated in the specifications multiplied by the Bidder's Proposal price. The goal stated in the Contract is listed as a percentage. The COA goal amount is the SBE COA Goal percentage times the sum total of all bid items as submitted in the Bidder's Proposal. In the event of an error in this box, the Contracting Agency will revise the amount accordingly.

Box 4: Box 4 is the sum of the values in column 5A entered in conjunction with those firms listed as Public Works Small Businesses. **This value must equal or exceed the PWSBE COA Goal amount written in Box 3 or you must select Box 7 to indicate a good faith effort submission;**

Box 5: Box 5 is the Veteran-Owned Business COA Goal Amount which is the minimum **required Veteran-Owned Business participation** based on the goal stated in the specifications multiplied by the Bidders Proposal price. The goal stated in the Contract will be listed as a percentage. The COA Goal amount is the VOB COA Goal percentage times the sum total of all bid items as submitted in the Bidder's Proposal. In the event of an error in this box, the Contracting Agency will revise the amount accordingly.

Box 6: Box 6 is the sum of the values in column 5B entered in conjunction with those firms listed as Veteran-Owned Businesses. **This value must equal or exceed the Veteran-Owned Business COA Goal amount written in Box 5 or you must select Box 7 to indicate a good faith effort submission;**

Box 7: Check Box 7 if insufficient Public Work Small Business Enterprise or Veteran-Owned Business Participation has been achieved and a good faith effort is required. Refer to the subsection titled, *Selection of Successful Bidder/Good Faith Efforts (GFE)* in the Contract.

Additional Public Works Small Business pages (use as needed)

Column 1A Name of Public Works Small Business Enterprise	Column 2A Project Role	Column 3A Bid Items	Column 4A Type of Work to be Performed	Column 5A Dollar Amount to be Applied to PWSBE COA Goal

Additional Veteran-Owned Business pages (use as needed)

Column 1B Name of Veteran-Owned Business	Column 2B Project Role	Column 3B Bid Items	Column 4B Type of Work to be Performed	Column 5B Dollar Amount to be Applied to Veteran Owned Business COA Goal



Contract Number	Contract Name	Bidder's Business Name	PWSVB Company Name
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This section to be completed by PWSVB firm.

The above listed Bidder has contacted my business about performing work on the above listed contract. The type of work to be performed by my firm is

_____ for a total contract value of _____ If the Bidder is awarded the Contract, we will enter into an agreement with the Bidder to participate in the project consistent with the information provided in this form.

I certify that the above statement is true and correct.

PWSVB Company Name: _____

PWSVB Company Representative Name: _____

PWSVB Company Representative Signature: _____ Date: _____

*******UPDATED 11/4/2024*******

BIDDER: BE ADVISED THIS PROPOSAL AND THE SUBJECT CONTRACT CONTAINS PUBLIC WORKS SMALL AND VETERAN BUSINESSES (PWSVB) AND MINORITY AND WOMEN’S BUSINESS ENTERPRISES (MWBE) PARTICIPATION

The Washington State Department of Transportation (WSDOT) made additional changes to condition of award (COA) requirements. Failure to meet Public Works Small and Veteran Business (PWSVB) COA goals as required by the specifications will result in your bid being considered non-responsive and your bid will be rejected.

YOU MUST INCLUDE IN YOUR BID OR SUBMIT AS A SUPPLEMENT TO YOUR BID:

1. PUBLIC WORKS SMALL AND VETERAN BUSINESS PLAN (PWSVB Plan)

A PWSVB Plan (WSDOT Form 226-018) which demonstrates how you will meet the independent goals for Public Works Small Business Enterprises (PWSBE) and Veteran-Owned Businesses (VOB). The form collects the amount to be applied to COA goal for each PWSBE or VOB. For certain project roles, only a portion of the amount subcontracted can be applied toward the goal. See the Public Works Small and Veteran Business Plan Instructions for additional information.

Public Works Small Business Enterprises (PWSBE) meeting the requirements of RCW 39.19 and WAC 326-20 can be located by searching the directories at: <https://omwbe.wa.gov/directory-certified-businesses>.

Veteran-Owned Businesses (VOB) meeting the requirements of RCW 43.60A.010 can be located by searching the directory at: listed at: <https://www.dva.wa.gov/veterans-service-members-and-their-families/veteran-owned-businesses>.

Please read all form instructions and database search instructions to ensure that you are looking for the correct certifications as there are many different certifications for small businesses but only businesses certified as PWSBEs can be counted toward this small business requirement.

2. PUBLIC WORKS SMALL AND VETERAN BUSINESS (PWSVB) SUBCONTRACTOR WRITTEN CONFIRMATION FORM(S)

Submit a PWSVB Subcontractor Written Confirmation Form (WSDOT Form 226-017) from each PWSBE and VOB firm listed on the PWSVB Plan confirming their participation on the contract for each amount listed on the PWSVB Plan by the deadline specified in the contract provisions. The “type of work” and “total contract value” listed on the PWSVB Written Confirmation Document must be consistent with the “type of work” and “dollar amount to be applied to COA goal” listed on your PWSVB Plan.

3. PUBLIC WORKS SMALL AND VETERAN BUSINESS (PWSVB) GOOD FAITH EFFORT (GFE)

You must submit GFE documentation by the deadline specified in the contract provisions in addition to the PWSVB Plan submitted with your proposal ONLY IN THE EVENT your efforts to solicit sufficient PWSBE or VOB participation have been unsuccessful and you are relying upon your good faith effort documentation in whole or part to meet the goal.

TO ENSURE THAT YOU ARE USING THE CORRECT FORM VERSIONS, MAKE SURE THAT THE FORM NUMBER AND REVISION DATE ON YOUR FORM MATCHES THE VERSION SENT TO YOU IN YOUR PAPER BID PROPOSAL OR THE INFORMATION PROPOSAL INCLUDED IN THE CONTRACT PROVISIONS.

THE ABOVE DOCUMENTS CAN BE SUBMITTED BY EMAIL TO DBEDOC@WSDOT.WA.GOV OR AS PROVIDED IN SECTION 1-02.9