

## **DBE Performance Plan**

### **Plan Goals**

The Heim Construction Co Inc (Heim) pledges to demonstrate leadership through innovative programs that support and empower the Disadvantaged Business Enterprises. We will achieve any project goal for DBE participation of the total contract. This will be accomplished through a variety of methods, as well as through the established, successful relationships between Heim and DBE companies in the local area.

All subcontractors and vendors will be obligated to provide DBE participation through the terms of their contracts. During the bidding process, Heim will evaluate all bid packages to determine the potential for inclusion of DBE participation in the specific scope of work.

Heim will specifically include in contracts an agreed minimum participation level and a goal for each major subcontract and require monthly reporting of dollar amounts awarded and paid to DBE subs to ensure that the inclusion goals are being met. Failure to comply in good faith with the inclusion goals will be addressed with prompt and effective remedial action by Heim. Any contractor that fails to provide requested documents or misrepresents facts in such documents will be deemed to be non-compliant and added retention on their monthly payments may be held until proper documents are submitted. All plans will be monitored for compliance by the Heim Team.

Further it is Heim's goal to:

1. To Ensure nondiscrimination in the award and administration of DBE contracts;
2. To create a level playing field on which DBEs can compete fairly for contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs and on the PA Unified Certification Program list in good standing;
5. To help remove barriers to the participation of DBEs;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

### **Plan Implementation**

Members of the Heim Team have been involved in many major projects in which the owner or a governmental jurisdiction established overall DBE or other participation goals for subcontracting and workforce participation. Our success in meeting subcontracting goals on signature past projects, illustrates our commitment to the design and implementation of effective and meaningful participation programs resulting in exceeded project goals.

Heim believes that by maximizing opportunities for DBE participation, we will establish long-lasting business relationships, successful business relationships while helping to promote often underdeveloped local small businesses.

Heim has developed an aggressive plan to ensure maximum participation of DBE firms for the Department's Project (Project). The Team is firmly committed to the goals established for the Project and will aggressively recruit DBEs and other qualified local subcontractors and suppliers throughout the life of the Project. Our strong commitment to meet or exceed the goals required different approaches during design, construction and operation phases of the overall contract.

### **DBE Construction Work Commitment**

In order to maximize our opportunities to utilize DBE contractors and suppliers Heim will offer subcontract and supplier bidding packages broken down by trade jurisdiction. Some typical items include:

- Trucking
- Engineering / Layout
- Material Testing
- Material Supplied Direct
- Landscaping
- Excavation
- Concrete Supply
- Masonry
- Steel
- Insulation
- Waterproofing
- Roofing
- Siding
- Glass & Glazing
- Doors & Hardware
- Painting
- Flooring
- Tile
- Drywall / Studs
- Acoustical Ceilings
- Specialty Contracting
- Toilet Accessories Supply
- Toilet Partitions
- Plumbing
- HVAC
- Electrical Work
- Technology Work
- Cleaning
- Fencing
- Traffic Control
- Signage
- Equipment Supply
- Quality Control

### **DBE Design Work Commitment**

Heim will endeavor to solicit design sub-consultants through our principal design subcontractor, Schrader Group.

## **DBE Utilization Chart**

Upon award Heim will complete a DBE utilization chart detailing our committed DBE contractors and suppliers. Subcontractor/Supplier; Type of Work; and DBE Contract Amount

## **Public Awareness Program: Getting the word out**

The Heim Team knows from experience that public awareness is an essential element of any plan to maximize DBE participation on major projects. Our goal, from pre-construction through completion, will be to keep all lines of communication open with local businesses and the community-at-large to raise awareness about project opportunities. The Heim Team has already been active in the communicating with the subcontracting community with regard to the opportunities available on the Project. We have obtained the PA UCP lists and will be contacting hundreds of qualified firms. DBE response and interest will be tracked and a significant effort will be made to ensure that they remain interested in the opportunity.

While we will implement a significant outreach program if this proposal is successful, we realize that this is an on-going effort. We will continue the public awareness program after award to ensure that DBEs are aware of additional opportunities available to them. This will further expand opportunities for DBEs and help our major subcontractors meet their DBE goal.

In conjunction with the Department, we will develop the following communication tools, a website; Business Opportunity Fairs; and targeted outreach to business and community organizations. We have utilized many of these methods already, and will continue to utilize them throughout the life of the Project.

## **Website**

Heim will utilize its website to enhance advertisement of contracting and procurement opportunities to DBE firms. We will also share information on the Project team's involvement in local community events to help gain a positive focus for the Project in the community.

Information on the website will include:

- Contact information for critical Heim staff responsible for overseeing DBE participation;
- Invitations to all public meetings, with special emphasis on those relevant to the DBE community;
- Bidders/proposers pre-qualification criteria/requirements and DBE required commitments;
- Links to other related Websites of interest.

The website will provide an interactive resource where contractors can report their interest in the Project and provide information on their qualifications. The website will be promoted through social media and emails.

## **DBE Database Management: Keeping Track of Potential Subcontractors**

The Heim Team maintains and regularly expands a database of DBE firms in Pennsylvania and surrounding areas. Thanks to our work on projects throughout the region, we have developed database of local businesses and, as a result, the capability to identify available businesses to perform tradeswork. The Heim Team will employ a number of qualified DBE sub-consultants, preferably local to the Project area, to supplement our engineering and project efforts. Through our principal designer, Schrader Group, the Heim Team has a relational database of local DBE consulting firms known to the Team and/or listed in the qualified directories of the PA UCP.

## **Capacity-Building: Helping DBE Firms Succeed and Grow**

Through training, mentor-protégé relationships and technical assistance referrals, Heim will help build the capacity of these firms to succeed, both on this project and in the future. Programs that the Heim Team will offer to assist DBE firms include:

### **Educational Seminars**

Heim will offer access to educational seminars for participating DBE subcontractors to strength their business management capacity in areas from project management and scheduling to estimating through profession trade associations.

Among the educational offerings for DBE firms will be workshops on construction contracting and requirements; professional services contract award process and requirements; bonding and insurance requirements, prequalification, bidding and invoicing; and financing/access to capital.

### **Bonding Capacity**

In addition to offering training and support in both technical and administrative areas, Heim will facilitate access to independent bonding agents to provide guidance to overviews of insurance, bonding and selected banks which will allow qualified subcontractors to take the next step and become prime contractors. This step will increase control within the DBE community and offer a more meaningful participation within the business community without being tied to a specified project or contractor.

## **Tracking and Reporting: Documenting Our Progress**

Heim will implement a system for tracking and reporting progress toward the Department's goal for DBE participation consistent with PA DGS and Federal Requirements. We know from experience that an effective tracking and reporting system requires active participation on the part of all members of the construction team, including project managers, subcontractors and other stakeholders. We also understand the importance of keeping the Department fully informed about DBE participation on a regular basis

### **DBE Participation Reporting**

Our DBE Compliance Manager will be responsible for coordinating the compilation of DEB participation reports. The primary goal of this reporting will be to track the dollar amounts awarded to prime contractors, and to summarize DBE participation in both dollar and percentage terms. These reports will be used to keep all stakeholders informed of the level of DBE involvement in the Project and to demonstrate compliance with the performance. In addition to tracking the level of DBE participation in the Project, Heim will maintain records of all outreach efforts to local, small and disadvantaged business, including: organizations contacted to identify DBEs; source lists and other data used to identify DBEs; lists of solicitations and responses; and records of participation in trade conferences.

In Heim's experience, these reports can prove particularly useful in identifying broader contracting trends as well as opportunities for stepped-up outreach to local, small and disadvantaged businesses. The goal: to stimulate a collaborative effort to identify and respond to opportunities to maximize DBE involvement in the Project.

Our DBE Performance Plan Compliance Manager will prepare monthly, annual and final reports on DBE participation for the Project. This report will include all aspects of the implementation of the Heim Plan. In addition, at the conclusion of the Project, Heim will prepare and submit a final report on DBE participation, reflecting final contract amounts and payments.

### **Post Award DBE Contract Monitoring**

The Team's DBE Compliance Manager will lead the Team's efforts to monitor DBE contracts once they have been awarded. Contract compliance monitoring will include but will not be limited to:

- *Establishing and maintaining the integrity of contract compliance files and incorporating contract compliance DBE records into the master contract file.* The Team's DBE compliance staff will work with the other Team members to make sure that contract memoranda, decision memoranda, and correspondence to and from prime contractors and DBE contractors are routinely reviewed, analyzed, responded to, noted in the computerized database, and properly in the contract file.
- *Making sure that all DBE firms awarded contracts have appropriate DBE certification.* The Team will make sure that all firms are projected to satisfy DBE goal requirements secure appropriate certification approval. The DBE Compliance Manager will routinely review the current certification status of the submitting firms to make sure that only certified firms participate on contracts as the identified DBE firm. This individual will implement corrective action, as required, to make sure that the selected team members are apprised of the certification status of DBE firms participating on contracts.
- *Making sure that appropriate DBE utilization plans have been submitted, reviewed, and approved.* DBE compliance staff will review original DBE utilization plans and monitor the continued utilization of DBE firms. In addition, site/field monitoring staff will notify the DBE Compliance Manager of all contractors, suppliers, and consultants providing service, on a routine basis or upon request, to facilitate complete capture of all contract participation.
- *In the event projected DBE firms are denied certification, contract compliance staff will make sure that appropriate requests for replacement/substitution are secured.* Heim Team staff will routinely review, update, and approve all modifications to DBE utilization plans. The DBE Compliance Manager will review DBE participation opportunities as a result of all change orders or modifications to contracts and evaluate their impact on the DBE utilization plan; this information will be relayed to the appropriate parties to make sure that we are aware of the status of DBE firms participating on contracts.
- *Making sure that appropriate periodic DBE progress reports have been submitted and reviewed and that payments to DBEs have been verified and approved.* The Heim Team will sure that periodic DBE progress reports are submitted by service firms, contractors, and suppliers, as required. Such reports will be reviewed on a monthly basis to make sure that DBE firms are being meaningfully employed in a manner that is consistent with the submitted DBE utilization plan. Site/field monitoring staff will take direction from the DBE Compliance Manager to facilitate the timely submission of all forms. The Heim Team will review the periodic reports to make sure that DBEs are performing on the Project and are receiving payment for their services. The DBE Compliance Manager will prepare and distribute communication procedures and reports to make sure that the Team members are aware of the status of DBE firms participating on specific contracts.
- *Implementing corrective actions as required to maintain compliance.* The DBE Compliance Manager will implement corrective actions, as required, to make sure that all interested parties are aware of the status of firms participating on contracts. These actions will be reviewed with the appropriate Heim Team members.

**APPENDIX E**  
**LOBBYING CERTIFICATION FORM**

# Lobbying Certification Form

## Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

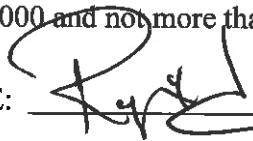
(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure of Lobbying Activities, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed under *Section 1352, Title 31, U. S. Code*. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

SIGNATURE: \_\_\_\_\_



TITLE: Roy A. Heim / President

DATE: June 11, 2019

# APPENDIX F

## FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The Subgrantee must complete Federal Funding Accountability and Transparency Act (FFATA) form attached here. This form is to be completed and incorporated as part of this agreement.

Failure to provide accurate information for the Subgrantee named as a party to this agreement or to complete the FFATA form will cause the inability of the Commonwealth to process this grant and resulting in delay or loss of funds to the Subgrantee. The Subgrantee's documentation will be considered incomplete until such time that Subgrantee provides accurate FFATA information.

- (a) Registration and Identification Information – The Subgrantee must maintain current registration in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded pursuant to this agreement. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration. Subgrantee must provide its DUNS number, and DUNS + 4 number if applicable, to the Commonwealth along with the signed grant agreement.
- (b) Primary Location - Subgrantee must provide to the Commonwealth the primary location of performance under the award, including the city, State, and zip+4. If performance is to occur in multiple locations, then Subgrantee must list the location where the most amount of the grant award is to be expended pursuant to this grant agreement.
- (c) Compensation of Officers - Subgrantee must provide to the Commonwealth the names and total compensation of the five most highly compensated officers of the entity if-
  - 1. the entity in the preceding fiscal year received—
    - a. 80 percent or more of its annual gross revenues in Federal awards; and
    - b. \$25,000,000 or more in annual gross revenues from Federal awards; and
  - c. the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. If the Subgrantee does not meet the conditions listed above, then it must specifically affirm to the Commonwealth that the requirements of this clause are inapplicable to the Subgrantee. Subgrantee must provide information responding to this question along with Subgrantee's return of the signed grant agreement. The Commonwealth will not process this grant until such time that Subgrantee provides such information responding to this question.



# Federal Funding Accountability and Transparency Act Sub-recipient Data Sheet

*Grantee must provide information along with Grantee's return of the signed grant agreement. The Commonwealth will not process the grant until such time that Grantee provides such information.*

## DUNS NUMBER

DUNS Number:

95-795-4480

DUNS Number + 4 (if applicable):

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[INSTRUCTIONS: Grantee must provide its assigned DUNS number, and DUNS + 4 number if applicable. Grantee must maintain current registration in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded pursuant to their sub-grant agreement. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration.]

## PRIMARY LOCATION

City:

King of Prussia

State:

Pennsylvania

Zip+4:

19406-1525

[INSTRUCTIONS: Grantee must provide to the Commonwealth the primary location of performance under the award, including the city, State, and zip code including 4-digit extension. If performance is to occur in multiple locations, then Grantee must list the location where the most amount of the grant award is to be expended pursuant to the grant agreement.]

## Compensation of Officers

Officer 1 Name:

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Officer 1 Compensation:

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Officer 2 Name:

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Officer 2 Compensation:

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Officer 3 Name:

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Officer 3 Compensation:

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Officer 4 Name:

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Officer 4 Compensation:

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Officer 5 Name:

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Officer 5 Compensation:

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**By marking the following box  
Grantee affirms they do not meet  
the conditions for reporting highly  
compensated officials**

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
|-------------------------------------|

[INSTRUCTIONS: Grantee must provide to the Commonwealth the names and total compensation of the five most highly compensated officers of the entity if--

- (i) the entity in the preceding fiscal year received--
  - (I) 80 percent or more of its annual gross revenues in Federal awards; and
  - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and

(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

If the Grantee does not meet the conditions listed above, then it must specifically affirm to the Commonwealth that the requirements of this clause are inapplicable to the Grantee.

**APPENDIX G**  
**DISADVANTAGED BUSINESS ENTERPRISE**  
**PLEDGE FORM**

**DBE PLEDGE**

The following goal for participation by Disadvantaged Business Enterprises (DBE) is established for the Project.

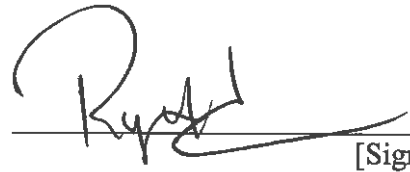
**DBE**

6.09%

**DBE Pledge**

By signing the Proposal, the Proposer certifies that it shall (1) exercise good faith efforts to obtain DBE commitments equal to the DBE participation goal set forth above with respect to work in the Project; (2) exercise good faith efforts to encourage DBE participation; and (3) in each case, substantiate and document such good faith efforts. In addition, the Proposer certifies that, if awarded the Contract, the DBC will submit a final DBE Performance Plan meeting the requirements set forth in the RFP.

Failure to submit the Preliminary DBE Performance Plan described in the RFP shall constitute a breach of the requirements of the RFP. As a result, the proposal will be considered non-responsive.

  
\_\_\_\_\_  
[Signature]

**Roy A. Heim**

\_\_\_\_\_  
[Name]

**President**

\_\_\_\_\_  
[Title]