



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 8 2016

OFFICE OF
SMALL BUSINESS
PROGRAMS

MEMORANDUM

SUBJECT: Suspended Use of Forms Associated with Disadvantaged Business Enterprise Participation in Financial Assistance Agreements

FROM: Kimberly Y. Patrick, Director
Office of Small Business Programs

A handwritten signature in black ink, appearing to read "KYP", is written over the name "Kimberly Y. Patrick" in the "FROM:" field.

Teree Henderson, DBE Program National Coordinator
Office of Small Business Programs

TO: EPA Financial Assistance Agreement Recipients, Prime Contractors and DBE Subcontractors

As of March 7, 2016, EPA has suspended use of the following forms associated with the DBE Rule pursuant to 40 CFR 33:

CONTRACT ADMINISTRATION

- EPA Form 6100-2, DBE Subcontractor Participation Form;
- EPA Form 6100-3, DBE Subcontractor Performance Form; and
- EPA Form 6100-4, DBE Subcontractor Utilization Form

CERTIFICATION APPLICATIONS

- EPA Form 6100-1a, Sole Proprietorship;
- EPA Form 6100-1b, Limited Liability Company;
- EPA 6100-1c, Partnerships;
- EPA Form 6100-1d, Corporations;
- EPA Form 6100-1e, Alaska Native Corporations;
- EPA Form 6100-1f, Tribally Owned Businesses;
- EPA Form 6100-1g, Private and Voluntary Organizations;
- EPA Form 6100-1h, Concerns Owned by Native Hawaiian Organizations; and
- EPA Form 6100-1i, Concerns Owned by Community Development Corporations

EPA is currently making revisions to the DBE Rule which will affect use of the above-mentioned forms and as a result, use of the forms have been postponed until further notice. EPA financial assistance agreement recipients who initiated procurements prior to March 7, 2016 are expected to require use of EPA Forms 6100-3 and 6100-4. The optional use of EPA Form 6100-2 is also valid for procurements initiated prior to March 7, 2016. Recipients who initiate procurements after March 7, 2016 cannot require the use of these forms. Entities seeking EPA DBE certification should contact Teree Henderson at henderson.teree@epa.gov for further instruction.

Please note that while use of the aforementioned forms has been suspended, the remaining requirements under 40 CFR 33 are still in effect; this includes, but is not limited to: the Good Faith Efforts (Subpart C), the Fair Share Objectives (Subpart D), and Recordkeeping and Reporting (Subpart E). EPA financial assistance agreement recipients, prime contractors and DBE subcontractors are expected to make every effort to continue to uphold the intent of the DBE Program.

The process to improve the DBE Rule is underway. During this process there will be notices posted in the Federal Register soliciting your comments and feedback. We encourage you to provide suggestions during this time. If you have any questions, please contact your Regional Small Business Coordinator, or Teree Henderson, DBE Program National Coordinator, at 202-566-2222.

cc: Regional Small Business Coordinators
Office of Grants and Debarment