



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

79 ELM STREET HARTFORD, CT 06106-5127

June 10, 2010



TO: WPCAs, Superintendents, Wastewater Consultants, and Connecticut Municipalities

FROM: Dennis J. Greci, P.E. Supervising Sanitary Engineer 
Municipal Facilities Section, Bureau of Water Protection and Land Reuse

Re: **New Clean Water Fund Program (CWF) DBE Rates Effective 7/1/2010**

In accordance with US EPA's letter of May 27, 2010 regarding Fair Share Goals for subcontracts, all CWF approvals dated on or after July 1, 2010 will be at the following percentages for subcontracts to Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE):

Minority Business Enterprises (MBE) **3%**

Women's Business Enterprises (WBE) **5%**

The DEP finds the following agencies acceptable for certification under the Clean Water Fund Program as follows until further notice:

- ❖ **Connecticut Department of Administrative Services (DAS)**-DEP will continue to accept DAS certification until such time as other State, local or private entities are identified whose certification processes meet the EPA criteria. DAS will only certify CT based firms that meet the criteria under CGS 4a-60g. It should be noted that although Connecticut statutes recognize WBEs as MBEs, under EPA's most current ruling, WBE's cannot be considered MBEs. The only exception to this rule is when the WBE can provide certification that they also fall within one of the disadvantaged groups defined by the EPA ruling as an MBE (African American, Asian American, Hispanic American, and Native American/American Indian).
- ❖ **Connecticut Department of Transportation (ConnDOT)**-Companies that desire to do business with ConnDOT as well as the CT DEP should seek ConnDOT certification which will be accepted by the DEP. MBE/WBE firms are advised that the certification process can take 90 days to complete. ConnDOT will certify both in state as well as out of state firms.
- ❖ **The Environmental Protection Agency (EPA)** – In the event an entity cannot be certified by ConnDOT as a DBE, that entity should seek certification with EPA.
- ❖ **Small Business Administration (federal SBA)**-At this time, SBA certification is only available to companies under the SBA 8(a) Business Development Program (www.sba.gov/8abd/) which has a net worth ceiling of \$250,000 for initial applicants.
- ❖ **Other states certification**-Out of state firms may provide certification from other states certification agencies. In the event that certification is provided from another state, evidence that the certifying agency utilizes the EPA criteria will be required. In limited cases, DEP may accept a certification that does not meet the EPA criteria if there are no other options within that state. The burden of proof that the other State does not have a system of certifying all DBEs is on the Municipality or its contractor/consultant. Conclusive documentation must be provided stating this fact. Without such documentation, such certification cannot be accepted.
- ❖ **Municipal certifying agencies or private certification** – Municipal agencies or private certification may be acceptable provided that conclusive documentation is submitted with the certificate clearly stating that organization certifies in compliance with the EPA DBE ruling. Without such documentation, such certification cannot be accepted.

If you have any questions on this matter, please call Paul Grochowski at (860) 424-3513.