EXHIBIT 9-E SAMPLE EVALUATION OF GOOD FAITH EFFORTS

MEMORANDUM

To: PROJECT FILE

Date: Month XX, XXXX

Project Number:

Bid Opening Date: Month XX, XXXX

Bidder: [Contractor/Consultant Name]

Type of Work: [General Description of Work]

Bid Amount: [$ Award Amount]

From: [Name of Agency]

Subject: Evaluation of Good Faith Efforts

The [Name of Agency] established a Disadvantaged Business Enterprise (DBE) goal of XX percent for this project. The bidder achieved [count only qualifying DBE participation] XX percent DBE participation.

The [Name of Agency]’s evaluation of the apparent low bidder’s Good Faith Efforts is based on the “Guidance Concerning Good Faith Efforts” contained in 49 CFR Part 26, Appendix A. The efforts of the bidder were reviewed by the [Name of Agency or department] from the information provided in Exhibit 15-H “DBE Information – Good Faith Efforts” signed and submitted by [Name of Low Bidder].

The [Name of Agency] determined that the Low Bidder [did or did not] demonstrate Good Faith Efforts to meet the DBE participation goal of this project for the reasons cited in this evaluation report.

EVALUATION

A. Items of work the bidder made available to DBE firms

[Describe the work and approximate dollar amount, as a percentage of total work, made available to DBEs by the Low Bidder and was this sufficient to meet the DBE contract goal? If the bidder did not make enough work available to meet the goal, the bidder definitely did not make adequate efforts to meet the goal. The amount of work made available relative to the goal is generally positively correlated with the adequacy of the bidder’s Good Faith Efforts.]

[Did the Low Bidder separate the work into economically feasible units to facilitate DBE participation?]

B. Solicitation effort documentation

[How many DBEs were originally contacted by the Low Bidder and did the Low Bidder conduct follow-up solicitations? What were the dates and was sufficient time allowed by the Low Bidder for the DBEs to respond?]

[Were the DBE firms provided information about the contract (location of project, contract number, bid date, items of work made available and contact information) in the Invitation for Bid from the Low Bidder]

[Did the Low Bidder solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract?]

[Did the Low Bidder provide proof of aforementioned items?]
[How many DBEs are capable of performing the work identified in A? Use the California Unified Certification Program (CUCP) online database at: http://www.dot.ca.gov/hq/bep/find_certified.htm]

C. Rejected DBE documentation
[How many DBE quotes were accepted or rejected by the Low Bidder? Why were the quotes rejected?]
[Was/were quote(s) rejected when it was only marginally higher and could have substantially increased the DBE commitment or even allow it to meet the DBE goal?]

D. Publication effort made to advertise the projects to include DBE participation
[What publications were used and when to request DBE participation for this the project? Did the Low Bidder provide copies of publications?]

E. Agencies, organizations, or groups contacted to provide assistance in contacting, recruiting and using DBEs
[Did the Low Bidder make any contacts?]

F. Efforts to provide information about the plans, specifications, and contract requirements
[Did the Low Bidder provide contract information to interested DBEs and were these listed in the GFE?]

G. Assistance with bonding, lines of credit, insurance, equipment, supplies, materials, and/or services
[Did the Low Bidder assist any DBEs and were these listed in the GFE?]

H. Additional data to support a demonstration of Good Faith Effort
[Was any more information provided by the Low Bidder?]
[Does the Low Bidder’s level of reported participation tend to support a finding of good faith?]
[Did the 2nd or 3rd low bidder meet the goal or get substantially more DBE commitment than the apparent low bidder? When an apparent low bidder fails to meet the goal and other bidders meet the goal, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent low bidder could have met the goal.]

FINDING OF THE [NAME OF AGENCY]
The [Name of Agency] finds that the Low Bidder [did or did not] demonstrate Good Faith Efforts to meet the DBE participation for this contract, for the reasons cited in the evaluation report. Consider the quantity, quality and intensity of the efforts of the Low Bidder to meet the DBE goal. Are these efforts of a bidder who is actively and aggressively trying to meet the goal?

Submitted by:  

Approved by:  

John Doe  
[Job Title]  

Jane Doe*  
[Job Title]  

*Must be approved by someone other than the reviewer.