

Completing the
"Good Faith Effort"
Submittal

"Disadvantaged Business Enterprise"
("DBE") Goals on
Federally Funded Projects

DBE Goals on Federally Funded Projects

Completing the "Good Faith Effort" Submittal

The purpose of the California Department of Transportation's Civil Rights Program is to increase the level of participation of disadvantaged businesses in all Federally-funded contracting activities.

The Civil Rights Program is committed to increasing the participation of firms as prime contractors, subcontractors, suppliers, manufacturers or service providers, and to helping prime contractors meet the DBE goal on every project. The Civil Rights Program encourages every bidder to meet the goal. However, bidders are also encouraged to submit documentation of the good faith efforts they made to obtain participation from DBEs.

The specifications in Section 2 of the project Special Provisions for each Federally-funded project state the following about documentation of adequate good faith efforts:

"The information necessary to establish the bidder's adequate good faith efforts to meet the DBE goal should include:

- "A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder.
- "B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested.
- "C. The items of work which the bidder made available to DBE firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to meet the DBE goal was made available to DBE firms.
- "D. The names, addresses and phone numbers of rejected DBE firms, the firms selected for that work, and the reasons for the bidder's choice.
- "E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs.
- "F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate.
- "G. The names of agencies contacted to provide assistance in contacting, recruiting and using DBE firms.
- "H. Any additional data to support a demonstration of good faith efforts."

The Civil Rights Program recommends that bidders consider the following in making efforts to obtain participation of DBEs, and when preparing the documentation to be submitted, demonstrating their good faith efforts:

- Advertising for DBE participation may be placed in newspapers, trade papers, minority focus papers and on the Internet.
- The more advertising the better. The wider the audience - especially in trade and focus publications - the better a prime contractor can “get the word out” they plan to bid a project, and the better potential for DBEs to know about the project and to whom they should bid.
- Solicitations and follow-up telephone contacts should occur within reasonable time before the bid opening date to allow the subcontractor time to prepare a quote to submit to the bidder. Telephone logs, e-mail logs, and fax receipts may be used to corroborate follow-up contacts.
- Advertisements and solicitations should state which items or portions of work are being made available. The bidder should consider making as many items of work available as possible to meet the goal, including those items normally performed by the bidder with its own forces.
- Bidders are encouraged to assist DBE subcontractors in the areas of bonding (if required), lines of credit, and obtaining necessary equipment, supplies and materials, and to inform DBEs of this assistance in their solicitations.
- The documentation to be submitted to the Department should clearly demonstrate all efforts made by the bidder to meet the DBE goal. To assist in providing clear documentation, bidders should consider the following:
 - Be careful when referring to “See Attachments” without providing explicit information where to find the material. Clearly identifying these items as Attachment A, Attachment B, etc., is suggested.
 - Attachments may include copies of advertisements, solicitations, telephone logs, e-mail logs and fax receipts.
 - In documenting the work made available to DBEs, list the bid item number, description of the work and what portion of the item was offered, if applicable.
 - Include quotes from rejected DBEs and the quotes from the firms selected. If the bidder is doing the work at less cost, include the items to be performed and the costs.

- Identify any contacts with agencies, organizations or groups used or contacted to provide assistance in contacting, recruiting and using DBE firms, and any responses or assistance received from them.
- In using the Department-identified service provider, such as Triaxial Management Services, explain what services were provided, and how those services were used. Include documentation.
- Describe any additional information which would demonstrate that adequate good faith efforts were made to meet the goal.