

DEMONSTRATED GOOD FAITH EFFORT GUIDELINES

Before a contract is awarded, the contractor must either meet the required DBE participation goal or demonstrate a Good Faith Effort. This includes submitting a notarized documented list of efforts that may include the items stated below, and a Good Faith Effort Form. The Economical Disadvantage Business Program will then review these documents to determine compliance. If a bidder fails to meet the goal or adequately justify their efforts, the bid may be deemed non-responsive and therefore ineligible for award. Accepted Good Faith Efforts are as follows:

1. The bidder attended all pre-bid meetings that may have been scheduled by the Board to inform DBE firms of subcontracting opportunities and/or requested the Board Directory of Certified DBE firms.
2. The bidder advertised in general circulation and trade association publications, concerning the DBE subcontracting opportunities, and allowed the subcontractors reasonable time to respond.
3. The bidder provided written notice to a reasonable number of individually named DBE firms and allowed sufficient time for the DBE firms to participate effectively.
4. The bidder followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested in bidding.
5. The bidder selected specific portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including breaking down contracts into smaller units to facilitate DBE participation);
6. The bidder provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract.
7. The bidder negotiated in “good faith” with interested DBEs and did not reject DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.
8. The bidder did reject a DBE as unqualified, the contractor must state his or her reason for doing so in writing.
9. The bidder has used the services of available community organizations and small and/or disadvantaged business groups; local, state and federal small or disadvantage business assistance offices; and other organizations that provide assistance in the recruitment and placement of DBE firms.

10. The bidder has made sufficient efforts to negotiate with DBEs for specific sub-bids, including at a minimum:

- a. names, addresses, telephone numbers of DBEs that the contractor contacted,
- b. a description of information provided to those DBE firms, and
- c. a statement of why additional agreements with DBEs were not reached to include but not limited to proof the DBEs' price exceeded that of non-DBEs.

The more comprehensive and well-documented the bidder's efforts are, the stronger their Good Faith Effort will appear, thereby increasing the likelihood of acceptance by the department.