

**Department of Transportation
Civil Rights**

**Completing the
“Good Faith Effort”
Submittal Form**

**“Disadvantaged Business Enterprise”
 (“DBE”) Goal on
Federally Funded Projects**

Revised January 19, 2005

DBE Goal on Federally Funded Projects

Completing the “Good Faith Effort” Submittal Form

An objective 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 assisting firms to participate 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.

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

The Civil Rights Program shall make a determination of a bidder's good faith effort to meet the DBE goal. The bidder should include the following information and supporting documents, as necessary:

- "A. Items of work the bidder has made available to DBE firms. Identify those items of work the bidder might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitated DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is the bidder's responsibility to demonstrate that sufficient work to meet the goal was made available to DBE firms.
 - "B. The names of certified DBEs and the dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. Bidders are reminded to solicit certified DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond.
 - "C. For each item of work made available, the DBEs that provided quotes, the selected firm and its status as a DBE, the price quote for each firm, and the name, address and telephone number for each firm. If the firm selected for the item is not a DBE, provide the reasons for the selection.
 - "D. The names and dates of each publication in which a request for DBE participation for the project was placed by the bidder. Attach copies of the published advertisements.
 - "E. The names of agencies, including the firms listed in Section 2-1.02A, “DBE Goal for this Project,” and the dates on which they were contacted to provide assistance in contacting, recruiting and using DBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
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- "F. Descriptions of the efforts made to provide interested DBEs with adequate information about the plans, specifications and requirements of the contract to assist them in responding to a solicitation. Where the bidder has provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contract. Provide copies of supporting documents, as appropriate.
- "G. Descriptions of any and all efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials (excluding supplies and equipment which the DBE subcontractor purchases or leases from the prime contractor or its affiliate). Where such assistance was provided by the bidder, identify the name of the DBE assisted, nature of the assistance offered, and date. Provide copies of supporting documents, as appropriate.
- "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:

- 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”; provide 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 and logs of telephone follow-ups by, e-mail, or 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 the bidder determines during the DBE follow-up that there are not enough DBEs submitting bids to meet the goal, the bidder should identify what other means it took to expand the efforts to solicit DBE sub-bids. If prior to bid opening, only a few DBEs are bidding and it does not appear the goal will be met, solicit other DBEs to ensure reasonableness in meeting the goal.
- Written solicitations and follow-up telephone contacts should occur within reasonable time before the bid opening date to allow the DBE time to prepare a quote. Telephone or e-mail logs, and fax receipts may be used to corroborate follow-up contacts.
- Include quotes from rejected DBEs and the quotes from the firms selected.
- 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. However, the bidder should not make items available for work to DBEs when the bidder intends to self-perform the work.

- Advertising for DBE participation may be placed in newspapers, trade papers, minority focus papers and on the Internet. The bidder is expected to use reasonableness on what publication/media is used. If the project is in District 1, do not place an advertisement in District 11, where the circulation is limited to Southern California.
- 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. This will provide better potential for DBEs to know about the project and to whom they should bid.
- Bidders are reminded to place advertisements with sufficient time to allow DBEs to respond.
- Use the Department’s website at <http://www.dot.ca.gov/hq/bep> to locate DBEs certified by the California Unified Certification Program. Include copies of the list of DBEs found by accessing the website.
- 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.
- Bidders should describe specifically where DBEs may obtain or review plans, specifications and requirements of the contract. Bidders should use reasonableness when stating that plans and specs may be viewed at the bidder’s office. If the bidders office is in District 7 and the project is in District 3, it is not reasonable for a DBE in the Central Valley to review plans in District 7 for a job in District 3.
- 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 inform DBEs of this assistance in their solicitation.
- Describe any additional information, which would demonstrate that adequate good faith efforts were made to meet the goal. Additional information may include bidders involvement in a Mentor/Protégé Program.