



RIDOT DBE Good Faith Efforts (GFE) Documentation Guidance

DBE Good Faith Efforts (GFE)

No Contract Goal - The contract is considered race-neutral and demonstration of GFE are not required throughout the contract.

Contract Goal Assigned - The contract is considered Race-Conscious therefore the low Bidder has an obligation to demonstrate appropriate GFE to achieve the assigned contract DBE goal throughout the life of the contract.

Pre-Award

When a contract DBE goal is assigned, the Bidder shall meet the requirement in one of two ways.

1. **Contract DBE Goal Met** – The Bidder secured sufficient DBE participation to meet goal. The Bidder will document DBE participation by submitting the DBE Pre-Award DBE Utilization Plan (DBE-001) for review.
2. **Contract DBE Goal NOT Met** – The Bidder is unable to secure enough DBE participation to meet contract goal, therefore the Bidder must submit DBE Pre-Award DBE Utilization Plan (DBE-001) with secured DBE participation AND adequate GFE documentation. The GFE documentation demonstrates the firm actively and aggressively made attempts to meet the goal.

Note: Should OCR determine inadequate GFE were made, a Non-Compliance determination regarding DBE participation will be documented and the submitted DBE Pre-Award Utilization Plan (DBE-001) will be denied. Should the Bidder disagree with the Non-Compliance determination, an “Administrative Reconsideration” may be requested. During the Administrative Reconsideration process, a third party will review all submitted documentation for compliance with DBE regulations. If the original “Non-Compliance” determination is upheld, RIDOT may move to the next bidder.

Post-Award

The Prime Contractor is responsible for tracking the listed DBE participation throughout the project in order to achieve the contract goal. During the life of the project there may be times when a DBE commitment is reduced (due to the DBE’s inability to perform, change orders, site conditions etc.). If/when a DBE commitment identified on the submitted DBE Pre-Award Utilization Plan (DBE-001) is reduced, the Prime Contractor must follow the DBE Termination/Substitution procedures to include demonstrating GFE to find a replacement DBE to complete at least the same amount of work (different type allowed) to the extent needed to achieve the contract goal. If the contractor is unable to identify enough DBE participation, GFE documentation is required and will be evaluated by RIDOT OCR.

Demonstration of GFE

The Bidder/Prime must show that it made all necessary and reasonable steps to achieve the contract DBE goal, which could be reasonably expected to obtain sufficient DBE participation, even if it was not successful.

The Bidder should maintain thorough documentation throughout the process to demonstrate that all attempts were made to secure sufficient DBE participation. Quality, quantity, and intensity in the various kinds of efforts will be considered. Efforts documented by the Bidder should reflect active and aggressive attempts made to secure DBE participation. Mere pro forma efforts (blank solicitations and generic requests etc.) will not be considered an acceptable demonstration of a bidders’ GFEs.

The following are examples of documentation to be submitted for consideration during the GFE determination:

- Solicitation letter to DBEs should:
 - be specific to the job and scope of work needed
 - include response due date and preferred communication method
- A follow-up log including any attempts to reach out to nonresponsive DBEs
- Copies of all communication and correspondence with DBEs
- Copies of advertisements placed for DBE subcontractors
- List of quotes received from both from DBEs and Non-DBEs
- List of rejected DBE bids and reasons for the rejection

The RIDOT will consider the following criteria when making the determination as to whether GFE were made. Remember that the Prime Contractor is ultimately responsible for all DBE participation on the contract.

1. **Type of work solicited** - the Prime Contractor should demonstrate that they:
 - a. Requested bids for a sufficient amount of work to meet the DBE goal
 - b. Offered work in an economically feasible way
 - c. Provided enough detail about the project in the solicitation for bids
 - d. Offered sufficient work variety to include work the Prime Contractor may typically complete with their own work force
 - e. Notified all relevant DBE firms in close geographic proximity to the project
 - f. If applicable, negotiated with subcontractors to assume part of the responsibility to meet the DBE goal through DBE participation via 2nd and 3rd tier subcontractors.

2. **Provided adequate response time** - the Prime Contractor must demonstrate that they:
 - a. Sent written solicitation notice to certified DBE firms at least 3 days prior to the bid opening date.
 - b. Included in the solicitation included
 - i. Name and location of the project
 - ii. Bid date
 - iii. Scope of work requested
 - iv. Location where DBE can review plans and specifications
 - v. Date and time to submit quote
 - vi. Contract name for technical assistance
 - vii. Any special requirements

3. **Reasonable Capital Assistance and Accommodations-**
 - a. If requested, the Prime Contractor made efforts to assist interested DBEs in obtaining bonding, credit, insurance, equipment, supplies, materials, etc.
 - b. If requested, the Prime Contractor made efforts to assist interested DBEs with technical assistance.

4. **Contractor Follow-Up** - The Prime Contractor must demonstrate that they:
 - a. Maintained a log from the initial solicitation including
 - i. Type of contact
 - ii. Name of contact person
 - iii. Name of DBE firm
 - iv. Date and time
 - v. Response received
 - vi. Reason for DBE not bidding on project (if applicable)
 - b. If a DBE bid is rejected, justification must be provided

Please note, the following are **NOT** acceptable reasons for failing to meet DBE goals and do not adequately demonstrate GFE:

- The Prime Contractor desires to perform work within its own organization.
- Rejecting a DBE Bidder due to their standing in the industry, membership in specific groups, organizations, or associates and political or social affiliations (of example: union vs non-union employees).
- The DBE is not the lowest bidder. While Prime Contractors may reject a DBE bid if it is excessively or unreasonably higher than non-DBE bids, a slightly higher bid should be considered in order to meet the contract DBE goal.

Finding Certified DBE Firms

Prime Contractors should regularly review the Rhode Island DBE Directory to identify potential DBE participation. The RI DBE Directory (RI DBED) can be found at the link below and contains a list of ALL certified DBE firms certified and eligible for DBE participation on RIDOT's federally funded contracts. Any firm used to meet a contract DBE goal **MUST** be certified as a DBE to be eligible for credit toward a DBE contract goal.

NOTE: The RI Department of Administration (DOA) also maintains a separate Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) directory. MBE and WBE firms are only eligible for credit towards contract goals on State Funded contracts. Any firm used to meet a contract DBE goal **MUST** be certified as a DBE to be eligible for credit toward a DBE contract goal.

[Click here for RI DBE Directory](#)

Good Faith Efforts (GFE) Summary:

Attach a separate detailed summary, on your firm's letterhead, outlining your efforts to obtain DBE participation that are not already apparent from the information provided. This is an opportunity for you to "tell your story" in demonstrating GFE. OCR will utilize GFE guidance as identified in RIDOT DBE Special Provisions and 49 CFR 26, Appendix A to make a GFE determination. Please consider the following questions when providing a summary. The questions posed below are not intended to be a checklist or an exhaustive list of what is considered in evaluating GFE. Per DBE regulations, information that is not provided at time of submission will NOT be considered by OCR in the GFE determination.

Questions to consider specific to DBE identification, solicitation, tracking, and assistance:

- Did you review the RI DBED to identify DBEs?
- Did you overlook any DBEs whose business operations are geographically close to the project?
- Did you select portions of work to be performed by DBEs in order to increase the likelihood of achieving contract DBE goal?
 - This includes, where appropriate, breaking out contract work items into smaller tasks or quantities to facilitate DBE participation
- Did you solicit DBE participation for work you could have self-performed?
- Did you host any DBE informational workshops or attend any RIDOT sponsored DBE events?
- Did you contact any minority business organizations about DBE opportunities?
- Did you send timely written (e-mail, fax, letter) solicitation notices to certified DBEs?
- Did you provide interested parties with timely pertinent contract information: Name and location of project, bid date, scope of work requested, locations where DBEs can review plans and specifications, date and time to submit quote, contact information for special requirements or additional information?
- Did you maintain documentation to track the following information after initial solicitation: Name of DBE firm, method of contact (telephone, e-mail, fax etc.), date and time DBE contacted, name of contact person, response received, reason for DBE not bidding (if applicable)?
- Did you receive bids from DBEs that you did not accept? If so, what steps were taken in making that decision?
- Did you reject a subcontractor as being unqualified with sound reason(s) based upon a completed and thorough investigation of their capabilities?
- Did you provide any contacts for bonding, insurance, or lines of credit?
- Did you provide any technical assistance relative to bonding, insurance, or lines of credit?

Questions to consider specific to DBE Termination and/or Reduction

- Did you specify the reason for the reduction (e.g., work eliminated by RIDOT, change in contract plans etc.)?
- Did you include dates of notifications to/from RIDOT and/or the DBE?
- Did you attempt to mitigate the DBE reduction? What steps were taken?
- Were you unsuccessful in identifying a DBE replacement? Did you exhaust all reasonable efforts?



RIDOT DBE Good Faith Efforts (GFE) Documentation Guidance

Please see below for sample documentation logs. These logs are not intended to be an exhaustive list, but rather a guide to properly documenting Good Faith Efforts (GFE). The Bidder may present the documentation in other formats however all necessary and relevant information must be included in order for RIDOT OCR to make a proper GFE determination.

Sample Documentation

Solicitation Log

Date	DBE Firm	Activity	Follow -Up
5/6/2021	Metro Concrete LLC	E-mailed June Solicitation	5/10/2021- Spoke w/ Del to ask if firm planned to quote for job. Lead Engineer to review. 5/15/2021- Follow up e-mail sent, response e-mail received, firm will not be submitting quote.
5/6/2021	Addison Electric	E-mailed June Solicitation	5/10/2021- Left voicemail asking if firm will quote 5/16/2021- 2 nd voicemail left asking if firm will quote.

Work Items Solicited Log

Work Type	DBE Firm	Date	Contact	Phone Number or E-Mail	Contact Method
Steel Reinforcement	Brava Rebar and Mesh Inc.	5/5/2021	Michael Lee	BravaRandM@sample.com	Left voicemail and sent follow up e-mail
	Sound Structure LLC.	5/5/2021	Donna Cole	401-555-3785	E-mail and Phone
Asphalt	Absolute Asphalt Inc.	5/6/2021	Joseline Lee	AbsoluteAsphalt@sample.com	E-mail and left VM
	Family Roadwork Inc.	5/6/2021	Winston Klein	401-555-8976	Phone and follow up e-mail sent with solicitation

Negotiation Received Log

Date Quote Received	DBE Firm	Work Type	Contact Name	Phone Number or E-Mail	Considered for Project?	If no, why?
5/8/2021	Supreme Construction	Asphalt	Maria Lopes	401-555-7862	Yes	
5/10/2021	Wild Mahogany Inc	Landscaping	Jack Johnson	WildMahogany@sample.com	No	Unable to perform all work items
5/10/2021	Botanical Wonders	Landscaping	Tabby Vicente	401-555-7314	Yes	

Information/Assistance Log

Date	5/7/2021	Contact Name	Mark Sugland
DBE Firm	EGOT Construction	Contact Number/E-mail	EGOT@sample.com
Information/Assistance Provided	Informed firm how to obtain bonding		
Date	5/11/2021	Contact Name	Zoe Anderson
DBE Firm	Peabody Electric	Contact Number/E-mail	401-555-2689
Information/Assistance Provided	Requested information re: electrical requirements and provided contract plans/links to specifications.		