



## Bid Opening DBE Participation Submission Requirements

Bidders are responsible for the collection and submission of all DBE documentation and have a choice between **two (2) methods** to submit their DBE Participation Forms as described below:

The **first method** is to upload the forms with the bid submission. The upload portal is located in the Questionnaire Section of the Ocean State Procures (OSP) Solicitation under: “DOT Required Forms [10 Questions] – 10. DBE Participation Requirements (Optional Submission Method).”

The **second method** is for bidders to submit the forms no later than four o’clock (4:00 P.M.) on the third (3rd) business day after the bid opening. Documents must be sent electronically to [DOT.Contracts@dot.ri.gov](mailto:DOT.Contracts@dot.ri.gov). The Rhode Island Contract Number (RIC No.) shall be clearly identified within the subject line of the e-mail AND all attachments/documentation must be included.

**Submissions must be provided through one of the two methods listed above. Failure to submit by four o’clock (4:00 P.M.) on the third (3rd) business day after the bid opening shall result in the bid being deemed nonresponsive and may result in disqualification.**

Form Name	DBE Signature Required	Submission Requirement
<b>DBE-001</b> DBE Pre-Award Utilization Plan		All bidders shall submit an executed DBE-001 identifying DBE participation to be utilized by the bidder to achieve the assigned contract goal.
<b>DBE-002</b> DBE Letter of Intent	✓	An executed DBE-002 form must be attached for each participating DBE firm named on the executed DBE-001. Upon OCR’s approval and RIDOT contract award, the bidder agrees to enter into a subcontract agreement with the named DBE firm for the identified scope of work and dollar amount.
<b>DBE-006</b> DBE Good Faith Efforts (GFE)		In the event a bidder is unable to identify enough DBE participation to achieve the assigned contract DBE goal pre-award, an executed DBE-006 and all supporting documentation must be attached to the submitted DBE-001.



# RIDOT Pre- Award DBE Utilization Plan

RI Contract Number: \_\_\_\_\_

Contract Goal: \_\_\_\_\_

The contractor agrees to ensure that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR 26 have the maximum opportunity to participate in the performance of federally funded contracts and subcontracts. The contractor shall not discriminate on the basis of race, color, national origin or sex in the award and the performance of Contracts.

An executed DBE-001 must be submitted to RIDOT Contracts no later than 4:00 pm on the 3rd business day after the bid opening. Documents must be submitted electronically to: DOT.Contracts@dot.ri.gov.

Contract Name: \_\_\_\_\_

Bidder: \_\_\_\_\_ Contract Value: \_\_\_\_\_

The DBE firms listed below have been contacted regarding participation on this project. If the contractor is successful and is awarded the contract, it shall assure subcontracts and/or supply agreements are executed with the named DBEs.

<b>DBE Commitments</b>
(Use additional sheets as needed)

<b>DBE Firm Name</b>		<b>Commitment</b>		<b>DBE Firm Name</b>		<b>Commitment</b>	
<b>DBE Firm Name</b>		<b>Commitment</b>		<b>DBE Firm Name</b>		<b>Commitment</b>	
<b>DBE Firm Name</b>		<b>Commitment</b>		<b>DBE Firm Name</b>		<b>Commitment</b>	
<b>DBE Firm Name</b>		<b>Commitment</b>		<b>DBE Firm Name</b>		<b>Commitment</b>	

I, acting in my capacity as an officer of the undersigned bidder (or bidders in a joint venture), hereby assure the Department that on this contract, my company: (check one)

**Met or exceeded** the contract DBE goal. Contract DBE participation is as follows:

**Total Contract DBE Commitment** \$ \_\_\_\_\_ **Total Contract DBE Participation** % \_\_\_\_\_

**Did NOT meet** contract DBE goal. Good Faith Effort documentation (form DBE-006 or equivalent) is attached. Contract DBE participation is as follows:

**Total Contract DBE Commitment** \$ \_\_\_\_\_ **Total Contract DBE Participation** % \_\_\_\_\_

Attached is documentation demonstrating my company's efforts to achieve the contract DBE goal including but not limited to DBE Letter(s) of Intent, demonstrating DBE availability and use of each DBE indicated above and/or Good Faith Efforts documentation. This contractor understands, once the DBE Utilization Plan has been approved by RIDOT Office of Civil Rights (OCR), a commitment has been made to the above firms, and any changes or reductions to the above DBE commitments are subject to termination and substitution guidelines. Final contract DBE credit to be assessed by RIDOT OCR based upon Commercial Useful Function (CUF) performed by the firm and subcontractor payments during contract closeout.

\_\_\_\_\_  
Bidder's Signature and Date

Please note **ALL** DBE participation must be submitted to and reviewed by OCR **PRIOR** to the start of work to review for DBE eligibility only. All Subcontractor Agreements are subject to the Construction Management approval process.



# RIDOT DBE Letter of Intent

RI Contract Number: \_\_\_\_\_

Contract Goal: % \_\_\_\_\_

**Pre-Award:** The Bidder is responsible to attach an executed Letter of Intent and work quote for **EACH** DBE firm identified on the DBE-001 (DBE Pre-Award Utilization Plan) for the above-named contract.

Executed DBE-002 (Letter of Intent) must be submitted to RIDOT Contracts no later than 4:00 pm on the 3rd business day after the bid opening. Documents must be submitted electronically to: DOT.Contracts@dot.ri.gov.

## Contractor Information

Bidder: \_\_\_\_\_ DBE Subcontractor: \_\_\_\_\_  
Bidder Representative: \_\_\_\_\_ DBE Representative: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_

## DBE Performance (to be completed by Bidder)

Pursuant to 49 CFR 26.55, DBE Eligibility is dependent upon the firm's ability to perform a Commercially Useful Function (CUF).

### Contract DBE Participation:

Subcontractor	Regular Dealer	Broker
Professional Services	Manufacturer	Joint Venture (JV)

### Summary of work and line items to be performed by DBE Firm\*:

### Applicable NAICS Code:

Estimated Dollar Value of Work: \_\_\_\_\_

Proposed Bidder Contract Value: \_\_\_\_\_

Estimated Percentage of Total Contract Value: % \_\_\_\_\_

If awarded the contract, the bidder intends to enter into a subcontract with the above-named DBE firm to perform the work described above. The DBE affirms they have the ability to manage, supervise and perform the intended scope of work.

\*Quote received from DBE firm must be attached.

\_\_\_\_\_  
Bidder Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
DBE Signature

\_\_\_\_\_  
Date

**Note:** If the bidder is not awarded the prime contract, any and all representation outlined in the Letter of Intent shall be null and void.



## 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

## RIDOT DBE Good Faith Efforts (GFE) Documentation Guidance

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 2<sup>nd</sup> and 3<sup>rd</sup> 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.

## RIDOT DBE Good Faith Efforts (GFE) Documentation Guidance

### 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 <sup>nd</sup> 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.		





# DBE Good Faith Efforts (GFE) Documentation

RI Contract Number: \_\_\_\_\_  
Contract Goal: % \_\_\_\_\_

## Instructions:

**Pre-Award:** In the event a Bidder is unable to secure adequate DBE participation to meet contract goal, the firm must demonstrate that it made all reasonable efforts to secure DBE participation in order to achieve the contract DBE goal. An executed DBE-006 must be attached to the submitted DBE-001 form and submitted to RIDOT Contracts no later than 4:00 pm on the 3rd business day after the bid opening. Documents must be submitted electronically to: DOT.Contracts@dot.ri.gov.

**Post Award:** In the event a DBE commitment outlined on the approved utilization plan is reduced and/or terminated, the Prime is required to demonstrate efforts to secure additional DBE participation to the extent needed to achieve the contract goal. If the Prime is unsuccessful in securing additional DBE participation as required, an executed DBE-006 must be submitted to RIDOT OCR to evaluate the additional efforts demonstrated. Documents must be submitted electronically to: DOT.DBE@dot.ri.gov.

To determine whether the Bidder/Prime Contractor has demonstrated Good Faith Efforts (GFE) to achieve the advertised DBE goal on named contract, OCR will consider AT A MINIMUM, the evidence of GFE as demonstrated on this completed form and required supporting documentation. See RIDOT DBE GFE Guidance for additional information.

## Contract Information

Contract Name: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_ Contract Value: \_\_\_\_\_

## Contract DBE Goal

### Type of Request (Check one only)

#### Pre-Award

Advertised DBE Goal \_\_\_\_\_%

**VS**

DBE Commitment \_\_\_\_\_%

#### Post -Award (Includes Termination and/or Reduction in Scope of Work)

Approved DBE Goal \_\_\_\_\_%

**VS**

Proposed DBE Commitment \_\_\_\_\_%

## Project Summary Amounts

Total Prime Bid

\_\_\_\_\_

Total Dollars committed to Non-DBE Subcontractors

\_\_\_\_\_

Total Dollars committed to DBE Subcontractors  
(Excluding suppliers)

\_\_\_\_\_

Total Dollars committed to DBE Suppliers  
(DBE credit assessed at 60% of supplier commitment)

\_\_\_\_\_

Total Dollars Performed by the Prime  
(Prime bid minus dollars allocated to DBEs and non-DBE firms)

\_\_\_\_\_





## DBE Good Faith Efforts (GFE) Documentation

RI Contract Number: \_\_\_\_\_

Contract Goal: % \_\_\_\_\_

### DBE's Quoted but NOT Selected\*

\*All DBE quotes received but not selected must be attached.

DBE Subcontractor and Contact Information	Quoted Dollars	Type of Work Quoted	Reason Not Selected	Explanation (use separate sheet as needed)
			Price Capabilities Other	
			Price Capabilities Other	
			Price Capabilities Other	
			Price Capabilities Other	
			Price Capabilities Other	
			Price Capabilities Other	
Total Number of DBEs Solicited:				

### Non-DBE Subcontract Agreements\*

\*In the event a DBE and non-DBE firm submitted quotes for the same type of work and the non-DBE was selected, the non-DBE quote must be attached.

Non-DBE Subcontractor and Contact Information	Subcontracted Dollars	Date Subcontract or P.O. Executed	Type of Work
Total dollars to Non-DBE for same type of work			

\*Please make additional copies of this page as needed



## DBE Good Faith Efforts (GFE) Documentation

RI Contract Number: \_\_\_\_\_

Contract Goal: % \_\_\_\_\_

### Methods Used by the Prime to Solicit DBE Participation (Select all that apply)

<b>FAX</b>	Attach copies of sample of fax notice. Transmittal including identifying information as to each DBE such as name, fax number, and copy of fax transmission page. All fax dates must be clearly visible.
<b>TELEPHONE</b>	Attach copy of telephone log displaying the date and time of contact made with each DBE firm. Log should include telephone number, contact name, and brief notes as to the conversation.
<b>E-MAIL</b>	Attach copies of e-mails sent/responses received in addition to the distribution list
<b>MAIL</b>	Attach copy of sample letter, distribution list, and copies of any returned solicitations
<b>WEBSITE</b>	Website Address: _____
<b>ADVERTISEMENT</b> (attach copy)	Advertisement placed in: _____ Advertisement date: _____
<b>COMMUNITY EVENT</b>	Date/ location of event attended: _____ Name of Prime Staff who attended event: _____
<b>OTHER</b>	Describe any additional efforts taken. Attach sample copies if applicable.

### 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 apparent from the information provided. This is an opportunity for your organization to "tell its story" of how you demonstrated adequate *good faith efforts*. 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 questions on the **RIDOT DBE GFE Guidance Form**, when providing summary. Information that is not provided at time of submission will NOT be considered by OCR in the GFE determination.

### Certification

Good Faith Efforts (GFE) summary and supporting documentation attached.

**The undersigned certifies that the provided information is true the best of his/her knowledge.**

\_\_\_\_\_  
Prime Representative\_\_\_\_\_  
Date

### Office of Civil Rights Use Only

\_\_\_\_\_  
Date GFE received by OCR\_\_\_\_\_  
OCR Signature\_\_\_\_\_  
Date\_\_\_\_\_  
OCR GFE Determination

Comments:

Approved

Denied

\_\_\_\_\_  
Contractor Notification Date