

GOOD FAITH EFFORT PROCESS

When ConnDOT has established a DBE contract goal, ConnDOT will award the contract only to the lowest responsible bidder that has made a good faith effort to meet the goal. ConnDOT will determine that a bidder has made good faith efforts if the following occurs:

- 1) The bidder submits pre-award documents confirming that it has obtained enough DBE participation to meet the goal; or
- 2) In the case that the bidder did not succeed in obtaining enough DBE participation; the bidder submits a request for a GFE determination and provides adequate documentation of its efforts to meet the goal. If the bidder does not provide adequate documentation of their efforts, ConnDOT will not award the contract on the basis that the bidder has failed to meet the goal.

Pre and Post Award Good Faith Efforts (GFE)

Pre-Award

If the Contractor cannot show that it will meet the goal through its pre-award commitments, then the Contractor must document GFE towards goal achievement. The Contractor is required to submit the documentation to the unit specified in the Contract specification; typically it is either the Initiating Unit or the Advertising Unit (ex. The Office of Contracts is typically the advertising unit for most construction contracts). The DCC reviews the firms submitted for DBE participation and signs-off that the firms provided are DBE Certified. If it is determined that a shortfall exists, the contractor may request a GFE review. This review is performed by the DCC. The DCC will notify the Office of Contracts or the initiating unit of its determination; if DCC determines that a GFE was not made the contractor may appeal to the Screening Committee.

Typical GFE documentation should include the following information. (Note: The actual Contract specification should be reviewed and followed) (See Attachment "D")

- (1) A statement setting forth in detail which parts, if any, of the Contract were reserved for the Contractor and not available for bid from subcontractors;
- (2) A statement setting forth all parts of the Contract that are likely to be sublet;
- (3) A statement setting forth in detail the efforts made to select subcontracting work in order to likely achieve the stated goal;
- (4) Copies of all letters sent to DBEs;
- (5) A statement listing the dates and DBEs that were contacted by telephone and the result of each contact;
- (6) A statement listing the dates and DBEs that were contacted by means other than telephone and the result of each contact;
- (7) Copies of letters received from DBEs in which they decline to bid;

- (8) A statement setting forth the facts with respect to each DBE bid received and the reason(s) any such bid was declined;
- (9) A statement setting forth the dates that calls were made to the DCC seeking DBE referrals and the result of each such call; and
- (10) Any information of a similar nature relevant to the application.

Please Note -- Approval of pre-award GFE does not relieve the Contractor from its obligation to make additional ongoing GFEs to achieve the DBE goal as subcontracting opportunities arise during actual performance of the Contract work. The Contract record of ongoing GFEs taken should be maintained for future review during the life of the Contract, including and up to the final close out and audit.

Post-award DBE Goal Monitoring

The Administering Unit is responsible for monitoring the goal progress and achievement during the life of the Contract.

At a minimum, the Administering Unit will perform the following functions:

- (1) Collect Data from the Contractor on a periodic basis; not less than quarterly. Data includes, but is not limited to, utilizations, commitments, and actual verified payments made to DBEs on the Contract.
- (2) Analyze the goal achievement as the Contractor submits the Data.
- (3) If during the life of the Contract, a DBE is unable or unwilling to perform the allocated work, the Contractor should be informed of his/her responsibility to make GFEs to curtail a goal shortfall. The Contractor's efforts should be documented appropriately. This documentation should be substantive and verifiable; and provided to the Administering Unit as the efforts occur.
- (4) Coordinate with the DCC during the project's annual review.
- (5) Provide quarterly DBE Data to the DCC, or as requested. Typically, quarterly DBE data should be compiled from each contract into one report for each Bureau or major unit (i.e. Engineering, Construction, Maintenance, etc.).
- (6) Summarize all DBE participation and perform analysis to determine if goal was met. If the goal is not met, the Administering Unit and DCC jointly perform a shortfall analysis.

The DCC receives quarterly DBE data from each Bureau or major unit. The Division utilizes the data to facilitate their global agency-wide monitoring and reporting responsibilities to other State and Federal agencies.