

DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS

If the Respondent or Proposer cannot fully meet the DBE goal of this Contract, the Respondent or Proposer shall complete Schedule DBE Form 4 and attach documentation demonstrating the Respondent's or Proposer's good faith efforts. RTA has the authority to make a fair and reasonable judgment whether a Respondent or Proposer that did not meet the contract goal made adequate good faith efforts. Respondents are required to demonstrate Good Faith Efforts with additional documentation as applicable including call logs, posted advertisements, attendance to pre-bid/submittal meetings, and records of negotiation. CFR 49 Part 26, Appendix A, Part IV is quoted below:

IV. *The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.*

A. (I) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests/or Proposals, written notices or emails to all DBEs listed in the State's directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

(II) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.

D. (I) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.

(II) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. (I) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities: The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

(II) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.



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If you have not attained the amount of DBE participation to meet the contract goal you are required to complete and submit DBE Compliance Form-3 along with all required supporting GFE documentation.

BIDDERS: This completed form along with all required supporting documentation must be submitted at time of submission. Should the bidder fail to comply with this request, the bid shall be considered non-responsive.

RESPONDENTS: This completed form must be furnished prior to contract award if you are unable to attain the DBE Goal.

RFP/RFQ/Bid/Solicitation/Other #: Bid/Proposal Amount: \$ Date: / /

Description:

Name of Bidder/Respondent: has satisfied the requirements of the bid/proposal specifications for the above referenced BID/RFP/RFQ or solicitation by the Regional Transit Authority in the following manner: (Please check the appropriate space)

- The Bidder/Respondent is unable to meet the DBE contract goal, and has completed and submitted DBE Compliance Form-3 along with all required supporting GFE documentation.
The Bidder/Respondent is unable to meet the DBE contract goal, however is committed to a minimum of % DBE utilization on this contract, and has completed and submitted DBE Compliance Form-3 along with all required supporting GFE documentation.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

PRINT NAME: SIGNATURE: TITLE:

Instructions: Please complete sections A through D, and include all specific supporting documentation as outlined below. All sections of this form MUST be completed or your response will be deemed non-responsive.

- SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR: Complete section A.
NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES: Please attach a copy of the announcement and written notices distributed to DBE(s). Example: Newspaper, email, mail correspondence, community outreach notices, etc.
INITIAL SOLICITATION & FOLLOW-UP OF INITIAL SOLICITATION: Bidders/Respondents may only solicit from the Louisiana Unified Certification Program (LAUCP) for federally-funded projects.



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A. SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR: You **MUST** list all selected scopes or portions of work to be performed by DBE(s) in order to increase the likelihood of meeting the contract goal for this project and the estimated value of each scope or portions of work identified. Use additional pages if needed.

Scope or Portions of Work Identified for DBE Participation	Estimated Value	% of Contract Value
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2.		
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B. NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES: Please complete all fields below, list all sources of advertisement and outreach to DBE subs.

I. Did you attend all pre-bid and/or outreach meetings scheduled by the RTA to inform DBEs of subcontracting opportunities? Yes _____ No _____ If yes, date of meeting _____

If no, was there a meeting advertised by the RTA? Yes _____ No _____

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II. ADVERTISING SUBCONTRACTING OPPORTUNITIES: You **MUST** identify publications in which announcements or notifications were placed and published. Include a copy of each announcement or notification.

Source of Advertising/Outreach	What subcontracting areas of work were advertised?	Date of Ad	Due Date & Time for Sub Bids		DBE Office Verification
			Date	Time	
1.					
2.					
3.					
4.					

C. INITIAL SOLICITATION & FOLLOW-UP: You **MUST** complete all fields below. List all certified DBE firms that received telephone or e-mail notification of work items to be subcontracted. If no response was received to the initial solicitation, you must indicate when firms received subsequent telephone or e-mail solicitations (list delivery dates, or read receipt date, and certified firm's response). You must include copies of the physical and/or electronic notice(s) sent to certified firms. Use additional pages as needed.

DBE Firm & Contact	Phone	Scope of Work Solicited	Date of Written Notification	Result of Initial Communication	Date of Follow-Up & Method of Contact		Result of Follow-Up Communication
					Date	Method	
1. <i>Example: ABC Company/Jane Smith</i>	<i>(504) 123-4567</i>	<i>Lego/Services</i>	<i>01/01/14</i>	<i>Will submit a quote</i>	<i>01/10/14</i>	<i>email</i>	<i>Quote received</i>
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DBE Firm & Contact	Phone	Scope of Work Solicited	Date of Written Notification	Result of Initial Communication	Date of Follow-Up & Method of Contact		Result of Follow-Up Communication
15. <i>Example: ABC Company/Jane Smith</i>	<i>(504) 123-4567</i>	<i>Lego/Services</i>	<i>01/01/14</i>	<i>Will submit a quote</i>	<i>01/10/14</i>	<i>email</i>	<i>Quote received</i>
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D. **NEGOTIATE IN GOOD FAITH**: You **MUST** provide an explanation for any rejected DBE bid or price quotation, unless another DBE is accepted for the same work.

I. Where price competitiveness is not the reason for rejection, you must complete all fields below and provide a copy of the written rejection notice including the reason for rejection to the rejected DBE firm. A meeting may be held with the rejected DBEs, if requested to discuss the rejection. Use additional pages if needed. You must attach a copy of the notice.

DBE Subcontractor	Scope	Date of rejection notice	Reason	Meet with DBE Sub?		
				Yes	No	Not requested

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I. Where price competitiveness is the reason for rejection, you **MUST** complete all fields below and attach copies of all DBE and non-DBE bid quotes. Use additional pages as needed.

DBE Subcontractor	Scope	Quote	Non-DBE Subcontractor	Scope	Quote	Price Variance (+/-)

II. **NEGOTIATE IN GOOD FAITH**: You **MUST** provide a copy of all correspondence documenting negotiation efforts including copies of DBE and non-DBE quotes and copies of written rejection notices.

III. OTHER: Please provide narrative details of any other efforts your firm conducted to attain the DBE goal. Use additional pages as needed,