

# **Good Faith Effort Evaluation Rubric Overview & DBE Documentation at Bid**

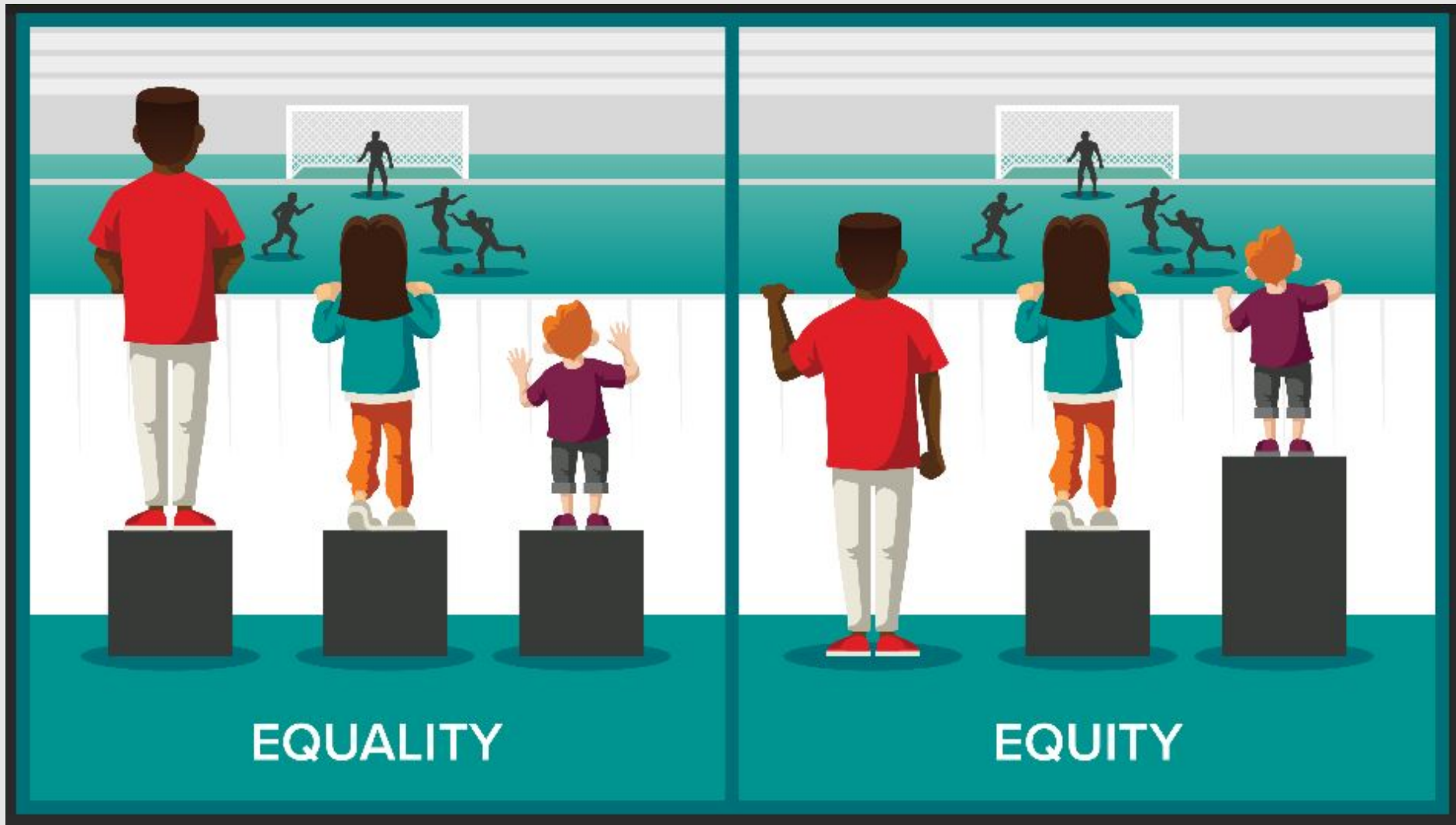
**Madalena Maestri, EdD**

DBE Program Chief

**Jill Fehrman, PE**

Proposal Management Chief

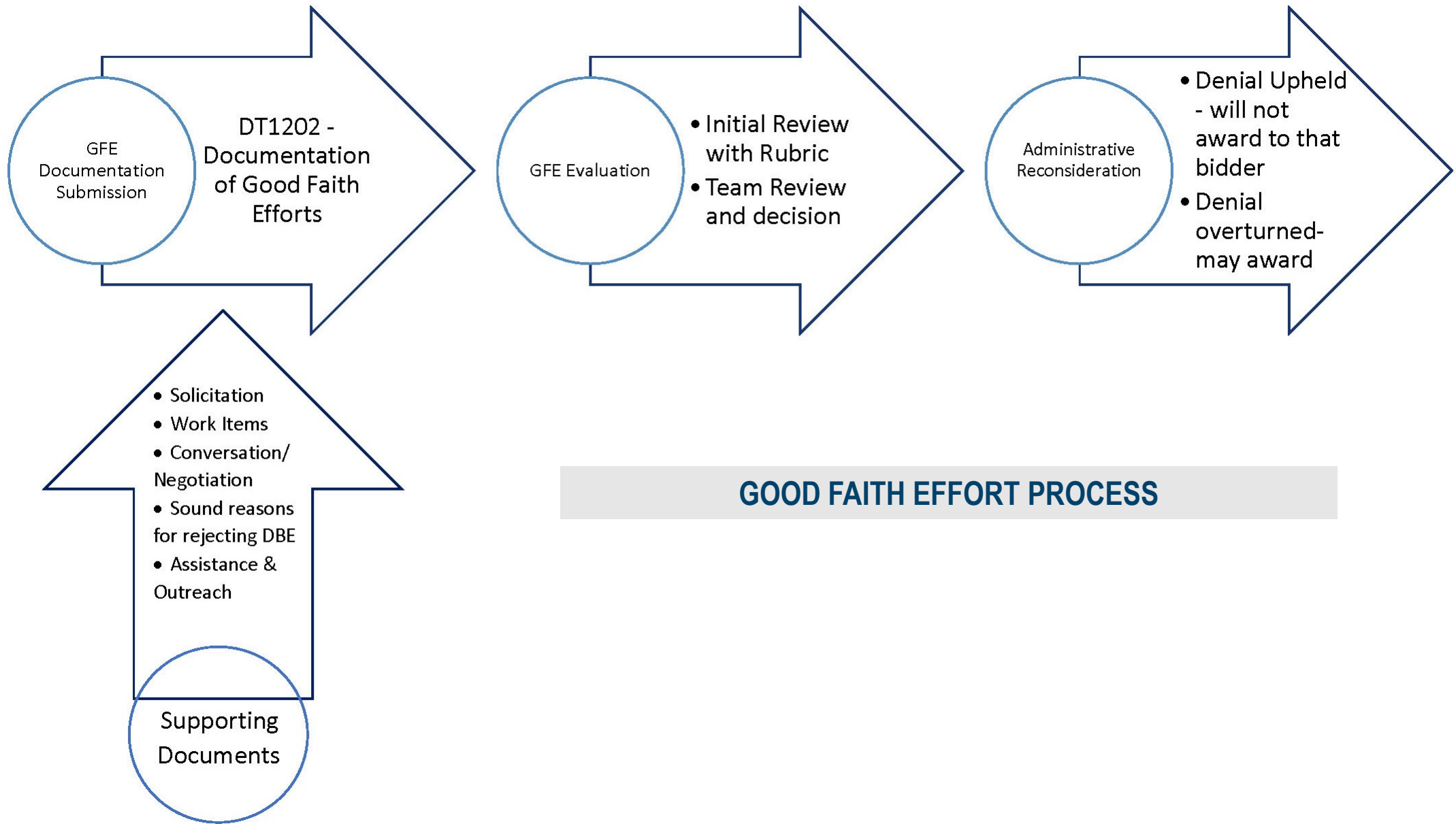
**April 2021**



# Overview- GFE Evaluation

- ASP-3 updates included emphasis on Good Faith Effort (GFE)
  - Documentation
  - Evaluation
- Outreach and efforts to increase DBE participation
  - Substantive conversations
  - Involvement with DBEs outside of lettings
- Rubric
  - Initial documentation review + Team review





**GOOD FAITH EFFORT PROCESS**



# Assidere

- The Latin root of Assessment
  - To sit beside
- Support
- Ongoing relationship
- Meaningful feedback



# • GFE Evaluation Rubric

- Left column – documentation required on Form DT1202 (Documentation of Good Faith Effort)
- Evaluation Categories – from guidance provided in 49 CFR Part 26
- All activities documented are totaled

**ACTIVE & AGGRESSIVE:** Demonstrated through engaged and assertive activity  
**QUALITY:** Demonstrated through essential character of conscientious and serious activity  
**QUANTITY:** Demonstrated through a measurable number of activities  
**SCOPE & INTENSITY:** Demonstrated through a rigorous approach to an appropriate and purposeful range of activities  
**TIMING:** Demonstrated through engagement efforts beyond simple solicitation, initiated early in the process  
**BUSINESS DEVELOPMENT INITIATIVES:** Demonstrated by efforts to support business growth and health of DBEs

**Rating Scale**

- Each qualifying activity is worth 5 points per Category
  - **Pro Forma efforts= 0-50 points**  
Perfunctory effort characterized by routine or superficial activities
  - **Bona Fide=55+ points**  
Genuine effort characterized by sincere and earnest activities

GFE EVALUATION RUBRIC – PHASE 1

	Active & Aggressive Category	Quality Category	Quantity Category	Scope & Intensity Category	Timing Category	Business Develop't Efforts	Total=
Solicitation Documentation							
Selected Work Items Documentation							
Documentation of Project Information provided to Interested DBEs							
Documentation of Negotiation with Interested DBEs							
Documentation of Sound Reason for Rejecting DBEs							
Documentation of Assistance to Interested DBEs- bonding, credit, insurance, equipment, supplies/materials							
Documentation of Outreach to Minority, Women, and Community organizations and other DBE Business Development Support							
Documentation of other GFE activities							
<b>Overall Total=</b>							



GFE EVALUATION RUBRIC – PHASE 1 – January 2021

	Active & Aggressive Category	Quality Category	Quantity Category	Scope & Intensity Category	Timing Category	Business Develop't Efforts	Total =
Solicitation Documentation	5 Daily Reporter, SBN, e-mails	5 Narrowly tailored email	5 Multiple sources		5 15 work days prior to let		20
Selected Work Items Documentation		5 specified work types available		5 SBN & e-mail solicitation			10
Documentation of Project Information provided to Interested DBEs		5 E-mail solicitation, phone calls, SBN	5 E-mail, SBN, Phone calls		5 15 work days prior to letting		15
Documentation of Negotiation with Interested DBEs			5 Phone calls to DBE's – offering assistance		5 8, 7 and 1 days prior to letting		10
Documentation of Sound Reason for Rejecting DBEs		5 Analysis beyond cost alone		5 Used another DBE: broke out quote to use DBE			10
Documentation of Assistance to Interested DBEs- bonding, credit, insurance, equipment, supplies/materials		5 Recommend stockpiling (WisDOT)			5 Continuous		10
Documentation of Outreach to Minority, Women, and Community organizations and other DBE Business Development Support						5 AACC NAWIC	5
Documentation of other GFE activities	5 Golden Shovel Conference	5 Used DBE to do safety inspections	5 Numerous activities throughout year- host workshop	5 TrANS		5 Mentor Protégé	25
Overall Total=							105

GFE EVALUATION RATING LEGEND – PHASE 1 Initial Review

**ACTIVE & AGGRESSIVE:** Demonstrated through engaged and assertive activity  
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GFE EVALUATION – PHASE 2 – Team Review

DBE Office completes:

- Review of quote comparisons submitted by Prime
- Bid analysis to confirm if any bid submitted met the DBE goal
- Review average of other bidders DBE goal achievement
- Team review of combined efforts documented in Phase 1 and 2 by apparent low bidder

Excerpt from Appendix A to 49 CFR Part 26:

V. In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)(vi), you must also require the contractor to submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor's solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.

• Phase 1 – Initial Review

- Documentation of Good Faith Effort (DT1202) activity recorded in Rubric

• Phase 2 – Team Review

- Review overall efforts documented with DT1202 + achievement of other bidders



Phase 2 – Team Review

- Examine cost comparisons and sound reasoning for rejecting DBEs
- Review achievement of other bidders
- Complete review considering efforts documented by apparent successful bidder and achievement of other bidders
- If bidder has documented Bona Fide good faith efforts and achieved or exceeded average goal attainment that may be considered satisfaction of GFE
- If bidder has not documented Bona Fide GFE the request is denied

GFE EVALUATION RUBRIC – PHASE 1 – January 2021

	Active & Aggressive Category	Quality Category	Quantity Category	Scope & Intensity Category	Timing Category	Business Develop't Efforts	Total =
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Bid Analysis

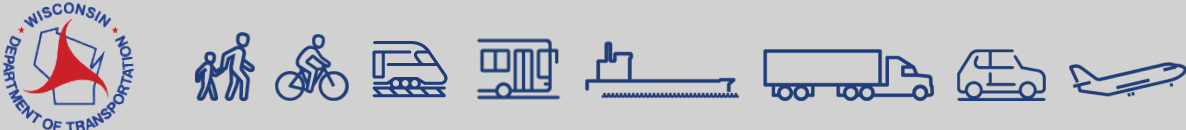
Goal 8%	Achieved %
Low Bidder	7.39%
Bidder A	3.54%
Bidder C	9.52%
Bidder D	4.33%
Bidder E	5.89%
Average of OTHER bidders (Not Including Low Bidder)	5.82%

Received 15 DBE quotes. DBE 1 and DBE 2 both submitted multiple quotes to subcontractors bidding on the structures. They both received an award through the low quote subcontractor.

- DBE Quotes Rejected:
  - DBE 1 and DBE 2 submitted quotes for sawing. DBE 1 was 17% high and DBE 2 was 13% higher than DBE 3 who was awarded the subcontract. (\$1,300.00 and \$960.00 versus \$1,084.00)
  - DBE 2 was 21% higher for landscaping than DBE 4. (\$31,266.00 versus \$24,856.00)
  - DBE 5 was 82% higher for sewer materials than DBE 6 but bidder used DBE 5 for both geotextiles and sewer materials. (\$9,410.40 versus \$5,185.44)
  - DBE Trucking 1 was 5% higher than DBE Trucking 2 (\$15,750.00 versus \$15,000.00)
  - DBE 7 was 308% higher for QMP Testing than non-DBE. (\$1,695.00 versus \$415.00)
  - DBE 8 was 147% higher for staking than non-DBE. (\$19,565.55 versus \$7,918.45)
  - DBE 9 quote for rebar was rejected because bar steel was included in another sub's overall quote that was selected.
- DBE Quotes Awarded:
  - DBE 1 – \$24,856.00
  - DBE 2 – \$12,095.70
  - DBE 5 - \$9,410.40
  - DBE 9 - \$101,524.00
  - DBE Trucking 2 - \$15,000.00
  - DBE10 - \$1,084.00

Documentation review:

- Advertised in the Daily Reporter from 12/21-2020 through 1/4/2021.
- Utilized SBN uploading information on 01/05/2021. (6 working days prior to bid letting.)
- Sent out e-mail solicitation on 12/21/2020 to 73 DBEs. (15 working days prior to bid letting.)
- Solicitation requested quotes in the following work types: clear and grub, trucking, curb, gutter, sidewalk, erosion control, signs, posts, markers, traffic control, electrical work, traffic signals, pavement marking, sawing, pipe materials, field facilities, staking, QMP (base/subgrade/concrete), pipe underdrain, excavation, trees, shrubs, architectural surface treatment and asphalt.
- Solicitation included information on how DBEs can obtain plans and specifications, e-mail, phone, fax and cell phone numbers and contract person that DBEs can obtain assistance, answer questions and obtain additional needed information. Also included important changes to process in red.
- 73 follow-phone calls were sent to DBEs on January 6, 2021 (7 working days prior to bid letting).
- WisDOT DBE Support Services was sent letter requesting assistance on 12/21/2020.
- DBE Program Chief was contacted on 12/21 to request feedback on GFE documentation
- Included a summary of all trucking firms used including DBE and non-DBE.





# Administrative Reconsideration

- The bidder can appeal a denial of GFE request
  - Within 5 days of notification of GFE denial from WisDOT
  - Refuting specific reasons for denial stated in the notification
  - Can request in person meeting
- Decision of Administrative Reconsideration is final
  - If denial of GFE is upheld the contract will not be awarded to that bidder
  - If denial of GFE is overturned the contract may be awarded to that bidder in respect to the DBE requirements



# Electronic Bidding- Key Process Changes

- Implementation (DBE Bid Documentation)
  - Soft launch, October 2020 – April 2021
    - Bid is NOT non-responsive if DBE documentation is missing or incomplete at time of bid
- Full implementation, May 2021
  - Bid IS non-responsive if DBE documentation is missing or incomplete at time of bid



# Electronic Bidding- Key Process Changes

- ALL bids submitted for proposals, with DBE goals, will require attachments at the time of bid
  - DT1506
    - WisDOT is working on integrating DT1506 into Bid Express
  - Attachment A or Quotes
  - DT1202, if DBE goal is not met
- Letting ends at 11:00:00 AM, second Tuesday of the month



# Electronic Bidding- Key Process Changes

- Bidders have 24-hours after the bid letting has ended (11:00:00 AM Wednesday) to submit:
  - Attachment A's (if not submitted at the time of bid)
  - DT1202 supplemental documentation

**NOTE:** Attachment A's and/or Supplemental Documentation to the DT1202 are to be submitted via eSubmit (preferred) or emailed to the [DBE\\_Alert@dot.wi.gov](mailto:DBE_Alert@dot.wi.gov)
- As read bid results will be posted beginning at noon, Wednesday
- Initial awards will occur the week after the letting



# Technology Required

- AASHTOWare Project Bids™
- Access to electronically bid; [www.bidx.com](http://www.bidx.com)
  - Request an InfoTech Digital ID and Password from Bid Express™
  - Request to bid with WisDOT, using Bid Express™
- Request to be an eligible bidder with WisDOT (BPRS application)
  - <https://trust.dot.state.wi.us/bprs>



# Bid Submittal Process

Processes that have not changed:

- Logon Bid Express™
- Locate and download Letting – Proposal .EBSX file
- Open .EBSX file
- Enter bid items



# Attach DBE Documents

## DBE Commitment Form DT1506/Attachment A or Quote/DT1202

- Note: If the file is larger than 5mg, the file will not be uploaded to Bid Express™

DBE Commitment Form DT1506 Description (such as proposal name, DT1506):

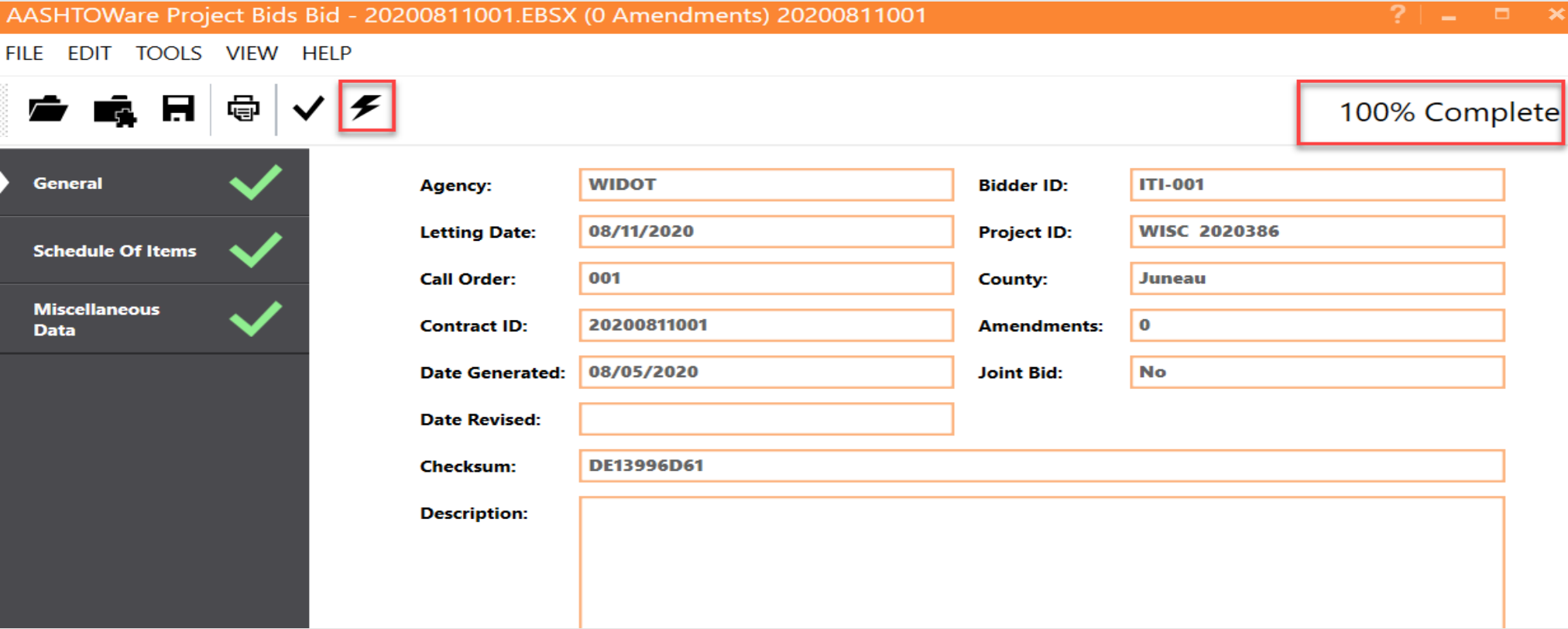
- Enter a description for the file uploaded
- Such as; 20201013001 DT1506
- Click Browse to locate the required file to attach
- Attached files can be previewed



# Bid Submission

Process has not changed

- Once the bid is 100% complete, click  and proceed



AASHTOWare Project Bids Bid - 20200811001.EBSX (0 Amendments) 20200811001

FILE EDIT TOOLS VIEW HELP

100% Complete

General	✓	Agency:	WIDOT	Bidder ID:	ITI-001
Schedule Of Items	✓	Letting Date:	08/11/2020	Project ID:	WISC 2020386
Miscellaneous Data	✓	Call Order:	001	County:	Juneau
		Contract ID:	20200811001	Amendments:	0
		Date Generated:	08/05/2020	Joint Bid:	No
		Date Revised:			
		Checksum:	DE13996D61		
		Description:			





# DT1202 Supplemental & Attachment A

Prior to 11:00:00 AM, the day following the letting:

- Submit via eSubmit (preferred) OR Email to: [DBE\\_Alert@dot.wi.gov](mailto:DBE_Alert@dot.wi.gov)
  - DT1202 supplemental documentation
  - Signed Attachments A not submitted with the bid



# DT1202 Supplemental & Attachment A

State of Wisconsin  
Department of Transportation

[ESubmit Home](#) | [Roadway Plans & Exhibits](#) | [Structure Plans & Exhibits](#) | [Consultant Notice of Interest \(NOI\)](#) | [Real Estate Documents](#) | [DBE Commitment Documents](#)

ELECTRONIC SUBMITTAL SYSTEM

[Roadway Plans and Exhibits](#)

[Structure Plans and Exhibits](#)

[Consultant Notice of Interest \(NOI\)](#)

[Real Estate Documents](#)

[DBE Commitment Documents](#)

Questions about content on their page:  
Roadway Contact [David Domaby](#) (608) 266-1020  
Structure Contact [Kristin Revello](#) (608) 266-5090  
NOI - Consultant Services Contact [Mitchell Patoka](#) (608) 266-1744  
Real Estate Contact [Drew Kottke](#) (608) 267-9074  
DBE Contact [DBE](#)  
Last modified: January 28, 2021

Prior to 11:00:00 AM - the day following the letting:

- Submit via eSubmit (preferred) OR Email to: [DBE\\_Alert@dot.wi.gov](mailto:DBE_Alert@dot.wi.gov)
  - DT1202 supplemental documentation
- Signed Attachments A not submitted with the bid



# DT1202 Supplemental & Attachment A



State of Wisconsin  
Department of Transportation

[ESubmit Home](#) | [Roadway Plans & Exhibits](#) | [Structure Plans & Exhibits](#) | [Consultant Notice of Interest \(NOI\)](#) | [Real Estate Documents](#) | [DBE Commitment Document](#)

## Submit DBE Commitment Documents

### Let Date\*

(current or future only)

2021 ▼ Mar ▼

### Proposal ID\*

(e.g. 20)

### Contractor Name\*

### Attachment A

(start name with AA and use any extension)

 Browse...

### DT1202 Supplemental

(start name with DT1202 and use any extension)

 Browse...

### Additional Attachments

(start name with ADDL and use any extension)

 Browse...

### Additional Emails:

(separate multiple emails with commas )

### Submitter's Phone\*

(e.g. xxx-xxx-xxxx)

\* Required Field

Verify All Information Before Pressing The Submit Button.

Click The Submit Button Once. Wait. The Files May Take Several Minutes To Upload.

Submit

Reset

Questions about the content of this page:

Contact [DBE](#)

Last modified: January 28, 2021

Enter/Select the mandatory information on the form before you submit.

\* Required Field

→ denotes mandatory fields must be either selected or entered for form submission.

**Note:** Form DT1506 (Commitment to Subcontract to DBE), Attachments A or quotes, and Form DT1202 (Documentation of GFE), will still be submitted as attachments to the bid.



# Resources

- ASP-3
  - <https://wisconsindot.gov/hccidocs/contracting-info/asp-3.pdf>
- Contracting with DBEs
  - <https://wisconsindot.gov/dbecontracting>
- Interactive DBE Directory Map
  - <https://wisdot.maps.arcgis.com/apps/webappviewer/index.html?id=c7bfb3407c7d4e9dadbf0ccdf1d1cce4>



# Contact

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(608) 266.3721

