**~~~~DOCUMENTATION OF GOOD FAITH EFFORT**

Wisconsin Department of Transportation

DT1202 3/2020

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| --- | --- | --- |
| Project ID | Proposal No. | Letting |
| Prime Contractor | | County |
| Person Submitting Document | | Telephone Number |
| Address | | Email Address |

All bidders must undertake necessary and reasonable steps to achieve the assigned DBE contract goal per federal regulatory guidance at 49 CFR Part 26. Bidders use this form to document all efforts employed to meet the assigned goal as a record of contractor good faith efforts (GFE). Refer to ASP3 or 49 CFR Part 26 for guidance on actions that demonstrate good faith effort.

It is critical to list all efforts, attach documentation, and follow the instructions to complete this submission. Documentation of good faith effort includes copies of each DBE and non-DBE subcontractor quote submitted to the bidder for the same line items. Utilize the sample documentation logs to document and organize efforts.

Submit good faith effort documentation per ASP-3 guidelines.

**Instructions:** Provide a narrative description of all activities pursued to demonstrate good faith efforts, any corresponding documentation, and applicable explanation on separate pages. Include the following items, organized in the order listed below.

1. **Solicitation Documentation:** 
   1. **Purpose:** To identify all reasonable and available activities the bidder performed to solicit the interest of all certified DBEs who have the capacity and ability to perform work on the project. All solicitation efforts should begin as early as possible to ensure DBEs have ample time to respond and ask questions.
   2. **Action:** Identify and list all activities engaged in to solicit DBEs using all reasonable and available means such as written notice and follow-up communications; substantive conversations; pre-bid meetings; networking events; market research; advertising.
2. **Selected Work Items Documentation:** 
   1. **Purpose:** To ensure that all work items are broken out into economically feasible units to facilitate DBE participation. This must occur even when you prefer to perform the work yourself.
   2. **Action:** Identifyeconomically feasible work units to be performed by DBEs to include activities such as: list of work items to be performed; breaking up of large work items into smaller tasks or quantities; flexible time frames for performance and delivery schedules.
3. **Documentation of Project Information provided to Interested DBEs:** 
   1. **Purpose:** To provide interested DBEs with adequate information about the plans, specifications, and any other contractual requirements in a timely manner to assist DBEs in response to solicitation.
   2. **Action:** Provide DBEs access to plans, specifications, and other contract requirements.Early solicitation allows ample opportunity to provide project information, links to Let advertisements, and substantive engagement with DBEs.
4. **Documentation of Negotiation with Interested DBEs:** 
   1. **Purpose:** To ensure that negotiations with interested DBEs were made in good faith providing evidence as to why agreements could not be reached for DBEs to perform work.
   2. **Action:** Provide sufficient evidence to demonstrate that good faith negotiations took place.Merely sending out solicitations requesting bids from DBEs does not constitute sufficient good faith efforts. A bidder using good business judgment considers a number of factors in negotiating with all subcontractors, and the firm’s price and capabilities in addition to contract goals are taken 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 failing to meet the DBE goal as long as costs are reasonable. (see 49 CFR Part 26 Appendix A)
5. **Documentation of Sound Reason for Rejecting DBEs:**
6. **Purpose:** To ensure that bidders avoid rejecting DBEs as unqualified without sound reasons. Reasons for rejection must be based on thorough investigation of DBE capabilities.
7. **Action:** Provide sufficient evidence to demonstrate that DBE was rejected for sound reasons such as past performance, relevant business experience and stability, safety record, business ethic and integrity, technical capacity, other tangible factors.
8. **Documentation of Assistance to Interested DBEs- Bonding, Credit, Insurance, Equipment, Supplies/Materials:**
9. **Purpose:** To assist interested DBEs in obtaining bonds, lines of credit, insurance, equipment, supplies, materials, and other assistance or services.
10. **Action:** Assist interested DBEs in obtaining bonding, lines of credit or insurance, and provide technical assistance or information related to plans, specifications, and project requirements. Assist DBEs in obtaining equipment, supplies, materials or other services related to meeting project requirements (excluding supplies or equipment the DBE purchases from the prime).
11. **Documentation of outreach to Minority, Women, and Community Organizations and other DBE Business Development Support:**
12. **Purpose:** To effectively use the services of minority, women, and community organizations as well as contractors’ groups, local, state, and federal business assistance offices and organization that provide assistance in recruiting and supporting DBEs, as well as participation in activities that support DBE business development.
13. **Action:** Contact organizations and agencies for assistance in contacting, recruiting, and providing support to DBE subcontractors, suppliers, manufacturers, and truckers at least 14 days before bid opening. Participate in or host activities such as networking events, mentor-protégé programs, small business development workshops, and others consistent with DBE support.

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| I certify that I have utilized comprehensive good faith efforts to solicit and utilize DBE firms to meet the DBE participation requirements of this contract proposal, as demonstrated by my responses and as specified in Additional Special Provision 3 (ASP-3).  I certify that the information given in the Documentation of Good Faith Efforts is true and correct to the best of my knowledge and belief.  I further understand that any willful falsification, fraudulent statement, or misrepresentation will result in appropriate sanctions, which may involve debarment and/or prosecution under applicable state (Trans 504) and Federal laws. | | |
|  |  |  |
|  |  | (Bidder/Authorized Representative Signature) |
|  |  |  |
|  |  | (Print Name) |
|  |  |  |
|  |  | (Title) |

Return to:

Wisconsin Department of Transportation

DBE Program Office

PO Box 7965

Madison, WI 53707-7965

DBE\_Alert@dot.wi.gov

**Good Faith Effort - Sample Documentation Logs**

The sample logs below are provided as guides rather than exhaustive list. See ASP3, Appendix A for additional examples of demonstrable good faith efforts. Attach documentation for each activity listed.

Acceptable forms of documentation include copies of solicitations sent to DBEs, notes from substantive conversations and negotiations with DBEs, copies of advertisements placed, email communications, all quotes received from DBEs and from all subcontractors who were considered alongside DBE quotes, proof of attendance at applicable networking events; flyers for events or workshops for DBEs offered by the prime, and other physical records of good faith efforts activities.

SOLICITATION LOG

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Activity | Name of DBE Solicited | Follow-up |
| 4/1/2020 | Sent May Let solicitation | Winterland Electric | Spoke with Mark Winterland on 4/15/20 to ask if he would quote |

SELECTED WORK ITEMS SOLICITED LOG

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Work Type | DBE Firm | Contact Person | Date | Contact Mode |
| Pavement Marking | ABC Marking | Leslie Lynch | 4/1/2020 | Email; phone |
| #1 Marking Co. | Mark Smart | 4/1/2020 | Email; left VM |
| Electrical | Winterland Electric | Tabitha Tinker | 4/3/2020 | Email, left VM |
| Superstar Wiring | Jose Huascar | 4/3/2020 | Email; phone |

INFORMATION PROVIDED LOG

|  |  |  |  |
| --- | --- | --- | --- |
| Request Date | DBE Firm | Information Requested & Provided | Response Date |
| 4/1/2020 | Winterland Electric | Requested info on electrical requirements; provided plan and link to specs | 4/3/2020 |
| 4/21/2020 | Absolute Construction | Wanted to know how and when supplies are paid for by WisDOT; referred to spec that covers stockpiling | 4/21/2020 |

NEGOTIATIONS LOG

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Date | DBE Firm | Contact Name | Work Type | Quotes Rec’d? | Considered for project? | If not selected, why? |
| 4/12/2020 | ABC Landscape | John Dean | Erosion Control | Yes | No | Cannot perform all items |
| 4/17/2020 | Wild Ferns | Sandy Lynn | Erosion Control | Yes | Yes |  |
| 4/20/2020 | #1 Marking | Mark Smart | Electrical | Yes | Yes |  |

ASSISTANCE LOG

|  |  |  |  |
| --- | --- | --- | --- |
| Date | DBE Firm | Contact Person | Assistance Provided |
| 4/1/2020 | ABC Sawing | Jackie Swiggle | Informed DBE on how to obtain bonding |
| 4/17/2020 | Supreme Construction | Winston Walters | Provided contact for wholesale supply purchase |

OUTREACH & BUSINESS DEVELOPMENT LOG

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Agency/Organization Contacted | Contact Person | Assistance Requested |
| 4/1/2020 | Women in Construction | LaTonya Klein | Contact information for woman-owned suppliers |
| 4/28/2020 | WBIC | Sam Smith | Asked for information to provide to DBE regarding financing programs through WBIC |