



## **GUIDANCE CONCERNING GOOD FAITH EFFORTS**

When CRAA establishes a contract goal on a contract, a bidder must, in order to be responsive, make good faith efforts to meet the established contract goal. The bidder can meet this requirement in either of two ways.

1. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose.
2. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve the DBE goal.

The bidder must demonstrate that the efforts undertaken, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if the efforts were not fully successful. Efforts that are merely pro forma are not considered good faith efforts to meet the goals.

To assist bidders in making the required judgment concerning good faith efforts, the following is a list of actions bidders may consider taking in obtaining DBE participation. It is not intended to be mandatory, exclusive or exhaustive. Other factors or types of efforts may be relevant.

In evaluating bidder's good faith efforts, the Authority may consider:

- Whether the bidder attended any pre-solicitation or pre-bid meetings that were scheduled by the Authority;
- Whether the bidder advertised in general circulation, trade association, and minority-focused media concerning subcontracting opportunities;
- Whether the bidder provided written notice to a reasonable number of specific DBEs to determine interest in the contract being solicited, in sufficient time to allow the DBEs to participate effectively;
- Whether the bidder followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
- Whether the bidder selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
- Whether the bidder provided interested DBEs with adequate information about the plans, specifications and requirements of the contract.
- Whether the bidder negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
- Whether the bidder made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by the Authority; and
- Whether the bidder effectively used the services of available minority community organizations; minority contractors groups; local, state and Federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of DBEs.