



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/DBP 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/DBP 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/DBP 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/DBP 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 CRAA may consider:

- Whether the bidder attended any pre-solicitation or pre-bid meetings that were scheduled by the CRAA;
- 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/DBPs to determine interest in the contract being solicited, in sufficient time to allow the DBEs/DBPs to participate effectively;
- Whether the bidder followed up initial solicitations of interest by contacting DBEs/DBPs to determine with certainty whether the DBEs/DBPs were interested;
- Whether the bidder selected portions of the work to be performed by DBEs/DBPs in order to increase the likelihood of meeting the DBE/DBP goals (including where appropriate, breaking down contracts into economically feasible units to facilitate DBE/DBP participation);
- Whether the bidder provided interested DBEs/DBPs with adequate information about the plans, specifications and requirements of the contract.
- Whether the bidder negotiated in good faith with interested DBEs/DBPs, not rejecting DBEs/DBPs as unqualified without sound reasons based on a thorough investigation of their capabilities;
- Whether the bidder made efforts to assist interested DBEs/DBPs in obtaining bonding, lines of credit, or insurance required by the CRAA; 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/DBPs.

The link below is a good source for what a Good Faith Effort entails. Although this link references DBE projects/goals, CRAA utilizes the same Good Faith Effort criteria for its DBP projects/goals as well.

<https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=85>