

# Instructions for Disadvantaged Business Enterprise (DBE) Commitment Requirements

FAILURE TO SUBMIT A COMPLETE PACKAGE PER THESE INSTRUCTIONS WILL RESULT IN AN IRREGULAR BID.

## *Notice to Bidders*

All bidders *must* submit a DBE Commitments Form (ITD-2396\*) and supporting documentation on all Federal-Aid Projects assigned a DBE goal.

Depending on the option chosen below, the bidder must follow the specific instructions indicated:

### OPTION #1

OR

### OPTION #2

**I MEET OR EXCEED  
this project's assigned DBE Goal.**

**I have NOT MET  
this project's assigned DBE Goal.**

*For Option 1 the following instructions apply.*

*For Option 2 the following instructions apply.*



Each DBE Submittal Package<sup>+</sup> must include:

1. Completed sections 1 & 3 of the ITD-2396, "DBE Commitments" form;
2. DBE Quote or ITD-2399, including all required information.

Each DBE Submittal Package<sup>+</sup> must include:

1. Completed sections 1 & 3 of the ITD-2396, "DBE Commitments" form; including DBE participation committed, if applicable;
2. DBE Quote or ITD-2399, if any, including all required information;
3. Completed "Good Faith Efforts" sections 4 and 5 of the ITD-2396 describing the contractor's attempts to contract with DBE firms;
4. "Good Faith Efforts" must include evidence documenting the contractor's attempts to subcontract with DBE's. (e.g., phone logs, copies of emails, advertisements, letters, etc.)

ITD Website <http://apps.itd.idaho.gov/apps/formfinder2dmz> holds both the \*ITD-2396 "DBE Commitment Form" and the ITD-2399 "DBE Commitment Template" in Excel format.

### Submitting Your DBE Submittal Package

Contractors must submit the above DBE Submittal Package **by 5:00 pm MT on bid opening day** to ITD via email at [DBESubmittal@itd.idaho.gov](mailto:DBESubmittal@itd.idaho.gov) or deliver directly to ITD Headquarters at 3311 W. State St., Boise, ID 83703. If emailed, Email Subject Line must contain Key Number and the Prime Contractor Name.

*Example: Subject: KN12345\_Prime Contractor Name*

+DBE Submittal Package includes the ITD-2396, and the DBE quote or ITD-2399 with all of the following information: 1) Commitment Statement: a written statement that the DBE is committed to performing the work quoted, if selected; 2) Date; 3) Prime Contractor (Can be shown as "To Prime Contractor" or "To All Prime Contractors"; Cannot be shown as "To All Bidders"); 4) Project identifier (project name and/or key number); 5) DBE work items; 6) DBE firm total (must match the ITD-2396 form); 7) DBE signature which can be in one of the following forms: a) Handwritten signature or initials; b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®); c) Other acceptable forms of confirming the commitment include: 1) Email with the DBE email return address, project name and key number in the subject line and place the committed dollar amount in body of the email with typed first and last name and title of sender; 2) DBE Firm letterhead with the project name, key number and the committed dollar amount in body of the letter with a typed or signed first and last name and title. **Any changes to the original DBE Commitment must be accompanied by written acknowledgement from the DBE subcontractor.**

**General questions regarding the DBE Process prior to bid opening must be addressed to the RE listed in the Notice of Letting.**



**Your Safety • Your Mobility  
Your Economic Opportunity**

## DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMMITMENTS

ITD 2396 (Rev.10-15-2020)  
itd.idaho.gov

This form must be submitted by all primes (Non-DBE and DBE Primes). This form is part of the DBE Submittal Package and must be accompanied by a quote or ITD-2399, along with any documentation relating to good faith efforts. Award of the contract is contingent on good faith efforts to provide opportunity for DBE participation in this project. Failure to complete items will result in an irregular bid. All documentation must either be emailed to

DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 3311 W. State St., Boise, ID 83703 by 5:00 pm MT on bid opening day.

Bid Date: \_\_\_\_\_

Bid Amount: \_\_\_\_\_

Key Number	Project Number	Project Name		
Prime Contractor		Prime Contractor EEO Officer	EEO Officer Phone #	Prime Contractor EEO Office Email
Prime Contractor's Signature (must be handwritten or digitally certified)			Date	Prime Contractor Phone Number

Assigned goal for DBE subcontractors and suppliers for this project: \_\_\_\_\_ %

### Section 1 - Summary of DBE Goal Commitment (Items below must match commitment amount in Section 3.)

		<u>Commitment</u>
1. One hundred percent (100%) of total amount to be performed by DBE firms, other than those listed in Item 2 through 5.	1) \$	
2. One hundred percent (100%) of total amount to be paid DBE Equipment leasers	2) \$	
3. One hundred percent (100%) of total amount to be paid to DBE Manufacturers (e.g., asphalt emulsions, cutback asphalts, fabricated signs, or delivery companies)	3) \$	
4. Sixty percent (60%) of total amount to be paid to DBE regulardealers/ suppliers	4) <span style="border: 1px solid black; padding: 2px;">Amount Quoted by Supplier</span> x60% = \$	\$ -
5. Net fee of DBE brokers or bonding agents	5) \$	

**Total lines 1 through 5**  \$ -

(Enter the overall total and DBE% above. The approved percentage of commitment is contractual.)

<input type="checkbox"/> Approved	%	<input type="checkbox"/> Not Approved	By: _____ Idaho Transportation Department	Date
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## Section 2 -DBE Submittal Package Instructions

**All documentation must be emailed DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 3311 W. State St., Boise, ID 83703 by 5:00 pm MT on bid opening day.**

DBE Submittal Package includes the ITD-2396, and the DBE quote or ITD-2399 with all of the following information:

- 1) Commitment Statement: a written statement that the DBE is committed to performing the work quoted, if selected.
- 2) Date
- 3) Prime Contractor (Can be shown as "To Prime Contractor" or "To All Prime Contractors"; Cannot be shown as "To All Bidders")
- 4) Project identifier (project name and/or key number)
- 5) DBE work items
- 6) DBE firm total (Must match the ITD-2396 form)
- 7) DBE Signature which can be in one of the following forms:
  - a) Handwritten signature or initials;
  - b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®);
  - c) Other acceptable forms of confirming the commitment include:
    - 1) Email with the DBE email return address, project name and key number in the subject line and place the committed dollar amount in body of the email with typed first and last name and title of sender.
    - 2) DBE Firm Letterhead with the project name, key number and the committed dollar amount in body of the letter with typed or signed first and last name and title.

**Any changes to the original DBE Commitment must be accompanied by written acknowledgement from the DBE subcontractor, as noted above.**

**Section 3 - Explanation of DBE Commitments**

Note: Use 'Alt'+ 'Enter' to start a new line within a row if completing electronically.

	Name of DBE Firm Being Committed to the Prime for this Project (include person who submitted the quote and contact information, to include phone number and address)	Items Quoted (List by Contract Item Numbers and Brief Work or Material Description)	For Materials Only: Supplied (S) Leased (L) Manufactured (M)	Total Amount Quoted by DBE
1)				
2)				
3)				
4)				
5)				
6)				
7)				
8)				
9)				

Use additional sheets if necessary.

**Section 4 - Summary of DBE Good Faith Effort**

If the DBE participation goal for this project has not been met you MUST complete Section 4 and Section 5. In addition, submit the following: copies of correspondence, email, telephone logs, or other documentation supporting good faith efforts made. Email all documentation to DBESubmittal@itd.idaho.gov or deliver to ITD Headquarters at 3311 W. State St., Boise, ID 83703 on bid opening day by 5:00pm MT.

Name of DBE Firm (Include person who submitted a quote and contact information with phone number and address)	Date of Contact	Items Quoted (List by Contract Item Numbers and briefly describe proposed work item or materials.)	Amount Quoted by DBE	Describe why DBE Firm was not selected	Non-DBE Firm chosen for this work item	Amount Quoted by Non-DBE

Use additional sheets if necessary.

### Section 5 - Explanation of DBE Good Faith Efforts

If the DBE participation goal for this project has not been met, the Contractor is required to answer the following questions in order to describe efforts to obtain DBE participation. Each following effort will require a detailed explanation.

What efforts has the Contractor made to conduct outreach/advertise to ITD-certified DBEs? Describe efforts, and attach copies of screenshots, published advertisements or proofs of publication if applicable.

- 1) publication if applicable.

Has the Contractor provided written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited in sufficient time to allow the DBEs to participate effectively? Describe efforts. Submit a copy of all correspondence (including emails) soliciting bids from DBEs.

- 2) participate effectively? Describe efforts. Submit a copy of all correspondence (including emails) soliciting bids from DBEs.

Has the Contractor followed up initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested? Submit telephone logs, letters, emails, etc., to document follow-up activity.

- 3) emails, etc., to document follow-up activity.

Has the Contractor selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal, including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation? Describe efforts.

- 4) contracts into economically feasible units to facilitate DBE participation? Describe efforts.

Has the Contractor provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract? Describe what action was taken.

- 5) Has the Contractor provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract? Describe what action was taken.

Has the Contractor negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities? Describe efforts.

- 6) Describe efforts.

Describe any other efforts not covered by Numbers 1 through 6 above that may demonstrate the Contractor's good faith efforts to obtain DBE participation on this project.

- 7) Describe any other efforts not covered by Numbers 1 through 6 above that may demonstrate the Contractor's good faith efforts to obtain DBE participation on this project.

## DBE Submittal Package Checklist

This form is provided for the convenience of the Prime and/or DBE firm. It is not contractual, therefore, it is not required to be submitted with your DBE Submittal Package. You may use multiple sheets for multiple DBE firms.

Completed ITD-2396

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DBE Quote or ITD-2399

DBE Quote must contain:

- Commitment Statement: a written statement that the DBE is committed to performing the work, if selected.
- Date
- Prime Contractor (Can be shown as "To Prime Contractor" or "To All Prime Contractors"; Cannot be shown as "To All Bidders")
- Project identifier (project name and/ or key number)
- DBE work items
- DBE firm total (Must match the ITD-2396 form)
- DBE Signature, as identified in Section 2

Any changes to the original quote provided by the DBE are acknowledged via signature by the DBE firm, as noted in Section 2.



### DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMMITMENT STATEMENT TEMPLATE

This template includes all of the necessary information for the DBE Commitment Statement. It suffices as a DBE Commitment Statement to include in your DBE Submittal Package, but use of this spreadsheet is optional. When using this spreadsheet, it supersedes the quote and must be included with the DBE Submittal Package, which must be submitted by 5 pm MT on bid opening day. This is a locked document; thus, if you need additional rows simply attach second copy with the additional information.

Date:	
Project Name and/or Key Number:	
Prime Contractor Name:	
DBE Firm Name:	
DBE Address:	
DBE Contact Name/ Phone Number:	
DBE Firm Total: \$ -	

DBE WORK ITEMS		
Item Number	Item Name	Item Quote

**DBE Commitment Statement**

As the authorized representative of the DBE, I confirm that my firm has been contacted by the Prime Contractor/Bidder with regard to the above referenced project and work items. If the Prime Contractor is awarded the contract, we will enter into an agreement with them to perform the above referenced bid items.


DBE Authorized Representative \_\_\_\_\_



DBE Signature which can be in one of the following forms:

- a) Handwritten signature or initials
- b) An electronic signature that is not typed using software (e.g., Adobe® Reader, Adobe Professional, Adobe E-Signature, DocuSign®);
- c) Other acceptable forms of confirming the commitment include:
  - 1) Email with the DBE email return address, project name and key number in the subject line and place the committed dollar amount in body of the email with typed first and last name and title of sender.
  - 2) DBE Firm Letterhead with the project name, key number and the committed dollar amount in body of the letter with typed or signed first and last name and title.

Example Email

 Send	To...	<<Prime Contractor email address>>
	Cc...	
	Subject	KN<<12345>>, <<DBE Firm Name>>

This certifies that <<DBE Firm Name>> on project KN <<12345>> commits \$xxxxxx.xx towards the DBE goal.

Thank you,  
<<DBE Authorized Representative>>  
Phone <<xxx.xxx.xxxx>>