

Instructions for New DBE Commitment Requirements

Notice to Bidders

The [DBE Commitment Form 2396](#)* and supporting documentation are required from all bidders on all Federal-Aid Projects assigned a DBE goal.

FAILURE TO COMPLY WILL DEEM YOUR BID IRREGULAR.

Depending on which option you choose, the bidder must follow the specific instructions for each.

OPTION #1

OR

OPTION #2

I MEET OR EXCEED

I have NOT MET

For Option 1 the following instructions apply.

For Option 2 the following instructions apply.



Each DBE Submittal package must include:

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1. Completed Sections 1 and 2 of the ITD-2396, "DBE Commitments" form;
2. DBE Statement(s) of Confirmation⁺.

1. Completed Sections 1 and 2 of the ITD-2396, "DBE Commitments" form, including what, if any, DBE participation has been committed;
2. DBE Statement(s) of Confirmation⁺, if any;
3. Completed "Good Faith Efforts" Sections 3 and 4 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 such as phone logs, copies of emails, advertisements, etc.

Submitting Your DBE Submittal Package

The DBE Submittal package must be submitted in PDF format to ITD via email 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**. If emailed, Email Subject Line must contain Key Number and the Prime Contractor Name.

Example: Subject: KN12345_ABC Contracting

[Sample DBE Commitment Wording](#)

* ITD-2396 is also available at <http://apps.itd.idaho.gov/Apps/FormFinder2DMZ/Home/OpenLink?formnumber=2396>

⁺ The DBE Statement(s) of Confirmation shall include the Date, Project Identifier (Project Name and/or Project Number) DBE Work Items, DBE Subcontractor Total and a written statement that they are committed to performing the work quoted, if selected. This information may be in the form of a quote or estimate, so long as all bid items are included.

Questions regarding the DBE Process *prior* to bid opening shall be addressed to the RE listed in the Notice of Letting.



DBE Commitments

This commitment form must be accompanied by a DBE Statement of Confirmation from each DBE listed, along with any documentation relating to good faith efforts. All must either be emailed to DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 3311 W. State St., Boise, ID 83703 **on bid opening day by 5:00pm MT.**

Bid Date: _____ Bid Amount: \$ _____

Key Number	Project Number	Project Name		
Contractor		Contractor EEO Officer	Contractor EEO Officer Phone #	Contractor EEO Office Email
Preparer's Signature (must be written by hand)			Date	Phone Number

If goals are not met, it is mandatory that the "Summary of DBE Good Faith Effort" section of this form be completed. Failure to complete this form will prevent contract award. Refer to Disadvantaged Business Enterprise Special Provisions for Race/Gender-Conscious Projects, for more detail. Award of contract is contingent on good faith efforts to provide opportunity for DBE participation in this project.

Assigned goal for DBE subcontractors and suppliers for this project: _____ %

Section 1 – Summary of DBE Goal Commitment

1. One hundred percent (100%) of total amount to be subcontracted to DBE subcontractors \$ _____
2. One hundred percent (100%) of total amount to be paid DBE equipment leasers \$ _____
3. One hundred percent (100%) of total amount to be paid to DBE Manufacturers (e.g., asphalt emulsions, cutback asphalts, fabricated signs, etc., or delivery companies) \$ _____
4. Sixty percent (60%) of total amount to be paid to DBE regular dealers/suppliers \$ _____
5. Net fee of DBE brokers or bonding agents \$ _____

*Total DBE Commitment for this project \$ _____ (_____ %)

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<input type="checkbox"/> Approved %*	<input type="checkbox"/> Not Approved	By: _____	_____
		Idaho Transportation Department	Date

***The approved percentage of DBE commitment is contractual.**

Section 2 – Explanation of DBE Commitments

Note: Supplies and/or equipment purchased or leased by a DBE firm from the Prime Contractor or its affiliate *cannot* be counted towards the project goal.

DBE Statement of Confirmation

The DBE Submittal package must include DBE Statement(s) of Confirmation for each DBE committed to the project.

The DBE Statement(s) of Confirmation shall include the Date, Project Identifier (Project Name and/or Project Number), DBE Work Items, DBE Subcontractor Total, DBE Signature, and a written statement that they are committed to performing the work quoted, if selected. This information may be in the form of a quote or estimate, so long as all bid items are included.

Name of DBE Subcontractor or Supplier Being Committed 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: Applied (S) Leased (L) Manufactured (M)	Total Amount Quoted By DBE	DBE Statement of Confirmation from DBE Included?*(YES / NO)
1.			\$	
2.			\$	
3.			\$	
4.			\$	
5.			\$	
6.			\$	

Use additional sheets if necessary.

Section 3 – Summary of DBE Good Faith Effort

If the DBE participation goal for this project has not been met, copies of correspondence, email, telephone logs, or other documentation required to support good faith efforts must be emailed along with all other documentation to DBESubmittal@itd.idaho.gov or delivered to ITD Headquarters at 3311 W. State St., Boise, ID 83703 on bid opening day by 5:00pm MT.

Name of DBE Subcontractor or Supplier (Include person who submitted a quote and contact information, to include phone number and address)	Date of Contact	Items Quoted (List by Contract Item Numbers and Briefly Describe Proposed Work or Materials)	Amount Quoted By DBE	Describe why DBE Subcontractor/Supplier Was Not Selected.	Non-DBE Firm Chosen for this Work Item	Amount Quoted by Non-DBE
			\$			\$
			\$			\$
			\$			\$
			\$			\$
			\$			\$
			\$			\$
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			\$			\$
			\$			\$
			\$			\$
			\$			\$

Use additional sheets if necessary.

Section 4 – 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 an explanation.

1. 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.
2. 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.
3. 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.
4. 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.
5. Has the Contractor provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract? Describe what action was taken.
6. 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.
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.