Helpful Guide for Good Faith Efforts

For complete guidance see 49 CFR Appendix A to Part 26, “Guidance Concerning Good Faith Efforts”.

All information is pulled from the above CFR. When submitting a GFE you need to include all information showing how you (or your firm) attempted to meet the DBE goal including all documentation. In 49 CFR 26.53(b)(2)(vi), “If the contract goal is not met, documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.”

Some questions to ask before submitting a Good Faith Effort (GFE):

- Did you (or your firm) advertise in general circulation, trade association or minority-focus media concerning this subcontracting opportunity?
- Did you (or your firm) provide written notice with a sufficient response time to a “reasonable” number of DBE firms?
  - Did you (or your firm) reach out to multiple DBE firms in the same work category?
- Did you (or your firm) follow up on initial solicitations by contacting DBE firms to see if they are or are not interested in participating?
- Did you (or your firm) select portions of the work that could be preformed by available DBE firms in the likelihood of meeting the DBE goal?
- Did you (or your firm) provide interested DBE firms with adequate information about plans, specifications, and requirements of the contract?
- Did you (or your firm) negotiate in good faith with interested DBE firms, not rejecting DBE firms as unqualified without sound reasons based on a thorough investigation of their capabilities?
- Did you (or your firm) assist interested DBE firms in obtaining bonding, lines of credit or insurance required by the contractor or ITD?
- Did you (or your firm) assist interested DBE firms in obtaining necessary equipment, supplies, materials or related assistance or services?
- Did you (or your firm) use the services of available minority community organizations, groups, business assistances offices, or other organizations that aid in the recruitment and placement of DBE firms?
  - Did you (or your firm) post a request for bid seeking DBE firms on the Office of Civil Rights’ website?
- Did you (or your firm) do anything else to increase DBE participation on the specific project?

Please note, 49 CFR Appendix A to Part 26 VI states; “A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.”

All DBE firms can be found at https://itd.dbesystem.com/ under the DBE Directory