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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 Good Faith Effort, you must include all information showing how your firm attempted to meet the DBE (Disadvantaged Business Enterprise) goal, including all documentation and any other efforts made to increase DBE participation. 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."

In 49 CFR Appendix-A-to-Part-26 IV, "*the factors or efforts below are not intended to be a checklist or an exhaustive list of what is considered when evaluating a good faith effort."*

Factors or types of efforts before submitting a Good Faith Effort:

- Advertise in general circulation, trade association, or minority-focus media concerning this subcontracting opportunity
- Provide written notice with a sufficient response time to a "reasonable" number of DBE firms
    - Reach out to multiple DBE firms in the same work category
- Follow up on initial solicitations by contacting DBE firms to see if they are or are not interested in participating
- Select portions of the work that available DBE firms could perform in the likelihood of meeting the DBE goal
- Provide interested DBE firms with adequate information about plans, specifications, and requirements of the contract
- 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
- Assist interested DBE firms in obtaining bonding, lines of credit, or insurance required by the contractor or ITD
- Assist interested DBE firms in obtaining necessary equipment, supplies, materials, or related assistance or services
- Use the services of available minority community organizations, groups, business assistance offices, or other organizations that aid in the recruitment and placement of DBE firms
    - Post a request for bid-seeking DBE firms on the Office of Civil Rights website

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.