

Civil Rights Office

Good Faith Effort (GFE)

Each Alaska Department of Transportation and Public Facilities project with Federal funding will have a DBE goal set for it. The bidder has an obligation to make a good faith effort to meet this goal. This can be demonstrated by either meeting the DBE Utilization Goal set on a project or documenting good faith efforts as outlined in [Specification 120](#) .

The project specific DBE Goal will:

- **Identify what percentage of the basic bid must be subcontracted to DBE firms**
- **Identify the Work Categories which are considered DBE subcontractable (identified on the DBE Subcontractable Item List, form 25A-324)**

When a contractor meets the DBE Utilization Goal on a project, they have demonstrated GFE. If the goal percentage is not met additional information is required to determine if the contractor has met GFE.

A contractor who does not meet the DBE Utilization Goal must submit the following information:

Copy of the DBE Subcontractable Items List ([form 25A-324](#) )

This form indicates what bid items are considered DBE subcontractable and the Work Category each item falls into and should have been in the bid package.

Contact Reports ([form 25A-321A](#) , one for each mandatory contact DBE). This form must be completed for each DBE listed in the Active portion of the DBE Directory under each Work Category designated for the project. The directory is updated weekly on this website, and the current directory from the contract's advertised date must be used. The form must indicate the following:

- ***Date of Initial contact with DBE.*** Each DBE firm must be notified a minimum of 7 calendar days prior to bid opening, with no less than 5 days to respond. It is acceptable to fax bid information to DBEs as long as there is documentation verifying the fax was sent.
- ***Date of follow-up contact.*** Follow-up contacts must be made to all DBEs who did not respond to the initial contact. (This may also be faxed.)
- Must offer assistance with bonding and insurance, and offer assistance with information about securing equipment, supplies, materials, or related assistance/services to DBEs. (Can include a statement on the faxed information sent to DBEs.)
- The bid solicitation must provide DBEs with adequate information to provide a quote. This would be the same information as provided to any other prospective subcontractor.
- The response (or non-response) of the DBE must be recorded on the contact report.
- If the DBE is bidding, the DBE's quote must be included with the GFE paperwork.

Copy of the Request for Bid Solicitation to DBEs. A copy of the solicitation information distributed to DBE firms must be included with the GFE paperwork.

DBE Utilization Report ([25A-325C](#) ) . This form includes DBE subcontract information (firm name, bid item(s), dollar amount). It also indicates the DBE project goal, as well as the DBE utilization obtained by the contractor's bid.

Summary of GFE Documentation ([25A-332A](#) ) . This form includes information on DBEs the prime contractor has contacted in its effort to reach the DBE project goal.

Subcontractor List ([25D-5](#) ) . This form lists all subcontractors (DBE and non-DBE) the prime will

be using for the specified project.

Copies of quotes. If a DBE is declared non-competitive for a bid item designated as DBE subcontractable, documentation (DBE quote and non-DBE quote used to declare the DBE quote non-competitive) to support this must be included in the GFE. When a DBE quote is more than 10% higher than a non-DBE quote, the DBE may be declared non-competitive and the prime must then subcontract with the non-DBE firm. The formula used to determine this is:

$$\text{Quote Difference} = \frac{(\text{DBE} - \text{NonDBE})}{\text{NonDBE}} * 100$$

Where: DBE = dollar value of the DBE quote
NonDBE = dollar value of the competing non-DBE quote

ALWAYS call the Civil Rights Office if you have any questions.

Findings

Compliance

A GFE found in compliance will have the required documenting good faith efforts as outlined in [Specification 120](#) .

Non-Compliance

If the GFE review finds the prime is in non-compliance, the bidder has 3 working days to request an Administrative Reconsideration. If after the Administrative Reconsideration the non-compliance finding is upheld, the low bidder will be declared non-responsible. The Department may then initiate procedures to award the contract to the next low bidder.

Administrative Reconsideration

Within three calendar days of notification there was a finding of non-compliance on a GFE, the contractor may request Administrative Reconsideration by the DBE Liaison Officer providing additional information if needed. The DBE Liaison Officer will review all information, may meet with the contractor, and then renders a decision. The decision will be done in writing explaining the basis for the finding and is not administratively appealable to USDOT.

[Specification 120](#) .

All bidders (prime and subcontractors) must submit a Bidders Registration form ([25D-6](#) ) annually (calendar year).