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# GOOD FAITH EFFORTS GUIDANCE

## Samples and Helpful Hints

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY  
(SBCTA)

August 2019

**GOOD FAITH EFFORTS GUIDANCE**  
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## I. INTRODUCTION

It is the policy of the San Bernardino County Transportation Authority (SBCTA) to utilize Disadvantaged Business Enterprises (DBEs) in the performance of all SBCTA federally funded contracts. In doing so, SBCTA must comply with Title 49 Code of Federal Regulations (CFR), Part 26.

The objectives of 49 CFR, Part 26 include (but are not limited to) the following:

- To ensure nondiscrimination in the award and administration of Department of Transportation (DOT) assisted contracts in highway and transit financial assistance programs;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT- assisted contracts;
- To assist with the development of firms that can compete successfully in the marketplace outside the DBE program; and
- To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Whenever SBCTA issues a solicitation that is federally funded in whole or in part, it must determine whether a contract specific DBE goal should be established. Goals are established only if DBE contracting or subcontracting opportunities are likely to be available. The goal is established based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses (whether DBE or not) that are ready, willing, and able to participate for the type of work being awarded. SBCTA may receive Federal funds from the DOT, Federal Transit Administration (FTA) as a sub-recipient of Omnitrans. SBCTA may also receive Federal funds from the DOT, Federal Highway Administration (FHWA) as a sub-recipient through the California Department of Transportation (Caltrans). If SBCTA receives funds as a sub-recipient from Caltrans, it must determine whether a DBE Contract Goal should be established for the contract.

The DBE category is comprised of businesses owned and controlled by specific socially and economically disadvantaged groups as identified in 49 CFR, Part 26.67.

The following six (6) groups make up the DBE category:

- African American
- Asian-Pacific American
- Subcontinent-Asian American
- Hispanic American
- Native American
- Women

The DBE category applies to both FTA and FHWA assisted contracts.

If SBCTA establishes a contract goal, a proposer/bidder must meet the goal specified or demonstrate Good Faith Efforts (GFE) in their attempt to meet the goal.

SBCTA establishes contract goals based on the relative availability of DBE firms in the marketplace. SBCTA believes these goals can be and should be achieved by proposers/bidders with documentation of commitments for participation by certified DBE firms. However, if a proposer/bidder is unable to meet the goal; to demonstrate GFE, the proposer/bidder must show that it took necessary and reasonable steps to achieve the DBE goal. SBCTA has prepared

this “Good Faith Effort Guidance – Samples and Helpful Hints” booklet to assist contractors and consultants in understanding Good Faith Efforts. The “Good Faith Efforts Guidance” is intended to assist proposers and bidders through the GFE process. Final determination of appropriate Good Faith Efforts is governed by 49 CFR Part 26.53 and Appendix A to Part 26.

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**Definition:**

***DBE*** – DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanic Americans, Native Americans, Asian-Pacific and Subcontinent-Asian Americans, and Women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

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## II. OVERVIEW

- A proposer/bidder that has not committed to meet or exceed the DBE goal for a contract must complete and submit the form entitled DBE Information-Good Faith Efforts (Form 15-H) and demonstrate adequate Good Faith Efforts unless otherwise indicated by the Request for Proposal (RFP), Request for Qualifications (RFQ), or Invitation to Bid (IFB). SBCTA recommends that even proposers/bidders who have committed to meet the goal additionally submit this form as a means of protecting their eligibility for award in the event that the DBE firm(s) listed was improperly credited by the proposer due to events such as a lapse in certification by the proposed DBE firm(s).
- For Public Works Construction projects, GFE documentation must be submitted within four (4) SBCTA working days after the day bids are received, as specified in the IFB. For all other procurements, the solicitation document will state the deadline for receipt of GFE documentation, but it is typically due at the same time as the proposal.
- The person responsible for putting together the GFE package for a proposer/bidder may contact SBCTA DBE Coordinator, Jeffery Hill, by phone at (909) 884 - 8276 or by email at [jhill@gosbcta.com](mailto:jhill@gosbcta.com), with any questions regarding the GFE time period for a particular RFP, IFB, or RFQ.
- Each GFE criteria is graded on a pass/fail basis based on the overall documentation of efforts for the criteria.
- A promise to use DBEs after DBE and/or GFE documentation is due will not be considered to be responsive to the contract solicitation or to constitute Good Faith Efforts.
- Nothing set forth in this booklet supersedes the information stated in the RFP, IFB, or RFQ for a specific procurement, or DBE regulations under 49 CFR Part 26.
- It is the responsibility of the proposer/bidder to verify the DBE certification of their selected DBE subcontractor/subconsultant/vendor is valid and current on the California Unified Certification Program (CUCP) website (<https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search>).

### III. CERTIFICATION

If a proposer/bidder has questions regarding certification or the certification process, they should contact SBCTA or one of the following agencies.

#### **CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**

Civil Rights MS 79

1823 14th Street

Sacramento, CA 95814

Phone: (916) 324-1700 or (866) 810-6346

Fax: (916) 324-1862

Website: [www.caltrans.ca.gov](http://www.caltrans.ca.gov)

CUCP: <https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search>

#### **CITY OF LOS ANGELES**

Office of Contract Compliance

Centralized Certification

1149 S. Broadway Street, Suite 300

Los Angeles, CA 90015

Phone: (213) 847-6480

Fax: (213) 847-5566

Website: [bca.lacity.org](http://bca.lacity.org)

#### **LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO)**

Diversity and Economic Opportunity Department

One Gateway Plaza

Los Angeles, CA 90012

Phone: (213) 922-2600

Fax: (213) 922-7660

Website: <https://business.metro.net>

To verify certification for a DBE firm, please go to the California Department of Transportation (Caltrans), Office of Business & Economic Opportunity website (<https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search>). Access the DBE Query Form to search the certified DBE directory.

## IV. GOOD FAITH EFFORT CRITERIA

The following GFE criteria, developed based on the requirements of 49 CFR Part 26, Appendix A, have been established to assist contractors and consultants in meeting the established contract goals. Following the table are descriptions of the type of efforts recommended for each item.

| Item # | Mechanism Description  |
|--------|--|
| 1.     | Attendance at Pre-Bid, Pre-Proposal, or Pre-Statement of Qualifications (SOQ) Meeting  |
| 2.     | Advertisement of Opportunity: <ul style="list-style-type: none"> <li>• Names and dates of all advertisements</li> <li>• Copies or proofs of publication</li> <li>• Evidence that opportunity was solicited with sufficient time to allow response to IFB/RFP/Solicitation and or Task Order request</li> </ul> |
| 3.     | Written Notices to DBE Firms <ul style="list-style-type: none"> <li>• List of all certified DBEs solicited</li> <li>• Copies of letters sent</li> <li>• Documentation of follow-up performed</li> </ul>  |
| 4.     | Work identified for DBE Firms <ul style="list-style-type: none"> <li>• Demonstrate that sufficient work was identified for DBE subcontractors</li> </ul>   |
| 5.     | List of rejected DBEs and reasons for rejection <ul style="list-style-type: none"> <li>• Include name, address, and telephone number(s)</li> <li>• Include price/quote if selected subcontractor/subconsultant is not a DBE</li> </ul>   |
| 6.     | List of efforts made to interested DBEs in obtaining bonds, lines of credit, insurance, and information about scope of work, plans and specifications.   |
| 7.     | List any efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services   |
| 8.     | List the minority/women agencies, organizations or groups contacted to provide assistance in contracting, reporting and using DBEs   |
| 9.     | Documentation that DBEs were negotiated with in good faith   |

## V. ESSENTIAL GOOD FAITH EFFORTS DOCUMENTATION

Based on the Code of Federal Regulations, SBCTA defines Good Faith Efforts as "those efforts that, given all relevant circumstances, a competitor actively and aggressively seeking to meet the goals would make. Efforts that are merely pro forma are not Good Faith Efforts to meet the goals, even if they are sincerely motivated, if, given all relevant circumstances, they could not reasonably be expected to produce a level of participation sufficient to meet the goals."

In order to be responsive, any proposer/bidder who does not meet the goals will need to submit evidence of having made a good faith effort to meet them. In determining whether a proposer/bidder has made Good Faith Efforts, SBCTA will look not only at the different kinds of efforts that the proposer/bidder has made, but also at the quantity and intensity of these efforts. Information necessary to demonstrate Good Faith Efforts for federally-funded projects include the following:

### **No. 1- PRE-BID, PRE-PROPOSAL or PRE-SOQ MEETING**

- Be on time and attend the entire meeting.
- Sign the attendance sheet, providing the name and title of person(s) representing proposer's/bidder's firm.
- Provide proposer/bidder firm's name.
- Describe the type of service(s) that firm performs.
- Confirm if proposer/bidder itself is certified as either a DBE or Small Business (SB).

### **No. 2- WORK IDENTIFIED FOR DBES**

- Work areas are selected by identifying specific items of the project for which the Proposer/Bidder will outreach to and solicit subcontractors, sub-consultants, or vendors.
- Work areas must be listed either in advertisements or letters to potential subcontractors, sub-consultants, or vendors.
- Any work that you (as the Proposer/Bidder) cannot complete should be listed as a work area.
- If as the Proposer/Bidder you are able to complete all the work areas yourself, you have the option to:
  - Identify work areas that are potential areas to subcontract even though you are capable of doing these areas yourself.
  - Perform an outreach to the suppliers which are specific to the project.
- Remember that ALL work areas that you propose utilizing a subcontractor, sub-consultant, or vendor MUST be represented in your GFE.
  - Even if you have had a previous relationship with a subcontractor, sub-consultant, or vendor, you still must list their relevant work area.



### **No. 3- ADVERTISEMENT**

The advertisement must be PUBLISHED not less than 10 calendar days prior to the proposal or bid due date and a *proof of publication* must be submitted with the GFE documentation. Consideration will be given to the wording of the advertisement, which should mention the DBE opportunity.

- Timeliness of Publication:
  - ✓ It is the proposer's/bidder's responsibility to ensure that the advertisement is published on time, and that the wording is correct.
  - ✓ It is recommended that multiple publications be used with a minimum of a one-day advertisement placed in each.
- Text of Advertisement:
  - ✓ SBCTA project name
  - ✓ Proposer/bidder firm's name
  - ✓ Areas of work to be subcontracted/supplied
  - ✓ Contact person's name, address, telephone and fax number, and email address
  - ✓ Detailed information on availability of scope of work, plans and specifications
  - ✓ Proposer's/bidder's policy concerning assistance in obtaining bonds, lines of credit, and insurance
  - ✓ Must be addressed to DBE firms with California DBE certification
  - ✓ Bid/proposal due date
- Proof of Publication:
  - ✓ Submit the proof of publication, which must include a legible copy of the advertisement (see below for sample). This document is supplied by the publisher and usually accompanies the invoice. A cutout of the header along with the advertisement is not acceptable.
  - ✓ If using an online publication, please include information regarding the site.
- Location of Advertisements:
  - ✓ When publishing in newspapers, the advertisement should be in the Bids Wanted, Legal Notices section of the Classified Ads, Subcontracting Opportunities, or Business Opportunities sections, not in the Employment Opportunities section.
  - ✓ When publishing online, the advertisement should be in the Outreach Ads, Bids Wanted, Legal Notices section of the Classified Ads, Subcontracting Opportunities, or Business Opportunities sections, not in the Employment Opportunities section.

**SAMPLE OF ADVERTISEMENT**

Requesting Sub-bids, Sub-proposals from firms with California DBE certification  
Subcontractors/Subconsultants/Vendors wanted for: *(List specific work items that you  
are interested in subcontracting. It is important to break out as much detail as  
possible)*

Project Name:

Owner: SBCTA

Bid/Proposal Due Date & Time:

For information on the availability of scope of work, plans and specifications and the  
proposer/bidder's policy concerning assistance to subcontractors in obtaining bonds,  
lines of credit, and/or insurance, please contact our office.

Proposer's/Bidder's Name

Address

Email, Telephone and Fax Number

Contact Person

**LIST OF PUBLICATIONS**

The following publications are a partial list of the sources available in Southern California for outreach. SBCTA does not recommend or endorse any publication. The list is not an all-inclusive list of acceptable publications. If you would like to use other publications, it is recommended that you contact Jeffery Hill, SBCTA Procurement Manager to confirm the acceptability of the publication prior to placing your advertisement.

**General Construction Print and Online Publications**

|   |   |
|---|---|
| <p><b><u>Dodge Report</u></b><br/> <b><u>Dodge Construction News (Green Sheet)</u></b><br/> <b><u>Dodge Project Center</u></b><br/>                 McGraw-Hill Construction/Dodge<br/>                 148 Princeton Heightstown Rd. N-1<br/>                 Heightstown, N.J. 08520<br/>                 PHONE: 888-814-0513<br/>                 FAX: 888-478-7703<br/>                 EMAIL: <a href="mailto:MHC_Official_Bids@McGraw-Hill.com">MHC_Official_Bids@McGraw-Hill.com</a><br/> <a href="http://www.construction.com">www.construction.com</a></p> | <p><b><u>Reed Connect</u></b><br/> <b><u>Reed Bulletin</u></b><br/>                 Reed Construction Data<br/>                 30 Technology Pkwy S., Ste. 100<br/>                 Norcross, GA 30092<br/>                 PHONE: 770-209-3552<br/>                 FAX: 678-680-0214<br/> <a href="http://www.reedbulletin.com">www.reedbulletin.com</a><br/> <a href="http://www.reedconstructiondata.com">www.reedconstructiondata.com</a></p> |
| <p><b><u>Daily Construction Reporter</u></b><br/>                 Associated General Contractors of America<br/>                 6212 Ferris Square<br/>                 San Diego, CA 92121<br/>                 PHONE: 858-874-8560<br/>                 FAX: 858-874-8569<br/> <a href="http://www.agcsd.org">www.agcsd.org</a></p>  | <p><b><u>Construction Bidboard, Inc.</u></b><br/>                 4420 Hotel Circle Court #215<br/>                 San Diego, CA 92108<br/>                 PHONE: 800-479-5314<br/>                 FAX: 619-688-0585<br/> <a href="http://www.ebidboard.com">www.ebidboard.com</a></p>   |

**Newspapers – Classified Ads**

|   |   |
|---|---|
| <p><b><u>San Bernardino Sun</u></b><br/>                 4030 N. Georgia Blvd.<br/>                 San Bernardino, CA 92407<br/>                 PHONE: 909-386-3956<br/> <a href="http://www.sbsun.com">www.sbsun.com</a></p>   | <p><b><u>Press Enterprise</u></b><br/>                 3450 Fourteenth Street<br/>                 Riverside, CA 92501<br/>                 PHONE: 800-514-7253<br/> <a href="http://www.pe.com">www.pe.com</a></p>                           |
| <p><b><u>Inland Valley Daily Bulletin</u></b><br/>                 2041 E. Fourth Street<br/>                 Ontario, CA 91764<br/>                 909-483-9385<br/> <a href="http://www.dailybulletin.com">www.dailybulletin.com</a></p>   | <p><b><u>Victor Valley Daily Press</u></b><br/>                 13891 Park Avenue<br/>                 Victorville, CA 92392<br/>                 PHONE: 760-241-7744<br/> <a href="http://www.vvdailypress.com">www.vvdailypress.com</a></p> |
| <p><b><u>La Prensa</u></b><br/>                 (Inland Empire Weekly/Spanish Language)<br/>                 3450 Fourteenth Street<br/>                 Riverside, CA 92501<br/>                 PHONE: 951-368-9673<br/> <a href="http://www.laprensa.com">www.laprensa.com</a></p> | <p><b><u>Los Angeles Times</u></b><br/>                 202 W. 1st St.<br/>                 Los Angeles, CA 90012<br/>                 PHONE: 213-237-5000 X2<br/> <a href="http://www.latimes.com">www.latimes.com</a></p>                   |

|   |  |
|---|--|
| <p><b><u>Los Angeles Business Journal</u></b><br/>                     5700 Wilshire Boulevard, Suite 170,<br/>                     Los Angeles, CA 90036<br/>                     PHONE: 323-549-5225 X215<br/> <a href="http://www.labusinessjournal.com">www.labusinessjournal.com</a></p> | <p><b><u>Daily Journal</u></b><br/>                     915 East 1<sup>st</sup> Street<br/>                     Los Angeles, CA 90012<br/>                     PHONE: 800-788-7840<br/> <a href="http://www.dailyjournal.com">www.dailyjournal.com</a></p>                                 |
| <p><b><u>Daily News</u></b><br/>                     P.O. Box 4200<br/>                     Woodland Hills, CA 91365<br/>                     PHONE: 818-713-3376<br/> <a href="http://www.dailynews.com">www.dailynews.com</a></p>   | <p><b><u>La Opinion</u></b><br/>                     700 Flower St., Ste 300<br/>                     Los Angeles, CA 90017<br/>                     Contact: Yolanda Treto<br/>                     PHONE: 213-896-2260<br/> <a href="http://www.laopinion.com">www.laopinion.com</a></p> |

**DBE Print and Online Publications**

|   |  |
|---|--|
| <p><b><u>Compliance News</u></b><br/>                     11 South Termino Avenue, Ste. #214<br/>                     Long Beach, CA 90803<br/>                     PHONE: 800-599-6996<br/> <a href="http://www.compliancenes.com">www.compliancenes.com</a></p>   | <p><b><u>DBE Goodfaith</u></b><br/>                     P.O. Box 521<br/>                     Newark, CA 94560<br/>                     PHONE: 877-802-3394<br/> <a href="http://www.dbegoodfaith.com">www.dbegoodfaith.com</a></p>  |
| <p><b><u>Minority Proposer/Bidders Bulletin &amp; Construction Update</u></b><br/>                     16885 W. Bernardo Dr. # 335<br/>                     San Diego, CA 92127<br/>                     Contact: Jim Wiegele<br/>                     PHONE: 858-487-2600<br/>                     FAX: 858-487-3500<br/> <a href="http://www.goodfaitheffort.com">www.goodfaitheffort.com</a></p> | <p><b><u>Small Business Exchange</u></b><br/>                     703 Market St., Ste.1000<br/>                     San Francisco, CA 94113<br/>                     Contact: Gerald Johnson<br/>                     PHONE: 415-778-6250<br/>                     FAX: 415-778-6255<br/> <a href="http://www.sbeinc.com">www.sbeinc.com</a></p> |
| <p><b><u>W/M/S/DVBE Contract &amp; Construction News &amp; Thomas Bid Register</u></b><br/>                     P.O. Box 2066<br/>                     Colton, CA 92324<br/>                     PHONE: 800-570-7070</p>  | <p><b><u>Construction Bid Source</u></b><br/>                     P.O. Box 568<br/>                     Burson, CA 95225<br/>                     PHONE: 800-962-4162<br/> <a href="http://www.constructionbidsource.com">www.constructionbidsource.com</a></p>  |

**Other Resources**

|  |
|--|
| <p><b><u>California Department of Transportation</u></b><br/>                     1823 14<sup>th</sup> Street<br/>                     Sacramento, CA 95811<br/>                     PHONE: 866-810-6346<br/>                     EMAIL: <a href="mailto:smallbusinessadvocate@dot.ca.gov">smallbusinessadvocate@dot.ca.gov</a></p>  |
| <p><b><u>CA Department of General Services</u></b><br/> <b><u>Small Business &amp; Disabled Veteran Business Enterprises Services</u></b><br/>                     707 Third Street<br/>                     West Sacramento, CA 95606<br/>                     PHONE: 916-375-4400<br/>                     Referral Organizations: <a href="http://www.documents.dgs.ca.gov/pd/smallbus/RefOrg.pdf">http://www.documents.dgs.ca.gov/pd/smallbus/RefOrg.pdf</a></p> |

**No. 4- WRITTEN NOTICES TO DBE FIRMS**

- Letters must be sent and/or emailed to available DBEs, for work areas listed, not less than 10 calendar days prior to the bid/proposal due date.
  - ✓ Letters must be sent to an adequate number of DBEs to reasonably expect to meet the contract DBE goal. Determination of an adequate number of DBEs to be contacted will depend on the number of certified DBEs in the SBCTA market area for each work category. The following table includes the recommended number of DBE contacts based on the availability of DBEs:

| <b>Available DBE Firms</b> | <b>Recommended DBE Contacts</b> |
|----------------------------|---------------------------------|
| 5 or less                  | All                             |
| 6 to 10                    | 5                               |
| 11 to 50                   | 50 percent                      |
| 51+                        | 25                              |

- ✓ Use the CUCP website at <https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search> to identify and contact certified DBE firms.
  - ✓ If you have difficulty locating DBEs for any of the work areas, contact SBCTA for assistance. You may contact Jeffery Hill, SBCTA’s Procurement Manager, by email at [jhill@gosbcta.com](mailto:jhill@gosbcta.com) with any questions.
  - ✓ Letters should also be sent to those DBE firms with whom proposer/bidder has had a previous working relationship and believes may want to use on the contract.
  - ✓ Proposers/bidders should send letters to all available DBEs who may have an interest in bidding in the same specified work areas as the subcontractors, subconsultants or vendors with whom it has had a previous working relationship in those specified work areas.
- Letters should contain at a minimum:
  - ✓ SBCTA project name
  - ✓ Bid, proposal, or SOQ due date/time
  - ✓ Specified work areas
  - ✓ Proposer/bidder firm’s name
  - ✓ Contact person’s name, address, telephone and fax number, and email address
  - ✓ Detailed information on availability of scope of work, plans and specifications
  - ✓ Proposer/bidder’s policy concerning assistance in obtaining bonds, lines of credit, and insurance
- To meet the GFE requirements you must:
  - ✓ Send the letters on time (not less than 10 calendar days before proposals/bids are due)

- ✓ Include all required information in the language of the letter
- ✓ Submit copies of each of the letters sent or one master notification including a listing of each firm sent the letter, AND
  - If emailed: copies of the sent and received emails with date and time sent or received.
  - If faxed: copies of the fax transmittal confirmation sheet(s). No credit for error messages, busy, cancelled, etc.
  - If mailed: copies of the metered envelopes or certified mail receipts.

### **SAMPLE WRITTEN NOTICE**

**Bolder Corporation**

1234 Granite Avenue, Suite 800 San Bernardino, CA 92410

CURRENT DATE

Attn: Estimator  
Subconsultants, Inc.  
468 Los Feliz Blvd.  
Los Angeles, CA 90014

Re: Request for Sub Bids

To Whom It May Concern:

Bolder Corporation is a consulting firm responding to the Request for Proposals (RFP) for the project listed below:

Project: (Insert Project Title)  
Proposal Due Date: (Insert RFP Due Date)

We are seeking sub-bids from DBE subcontractors, subconsultants, and material and/or equipment suppliers in the areas of work included in, but not limited to, those listed below:

*(List specified work areas here)*

Bolder Corporation encourages all interested DBE firms to contact us at least 5 days prior to the proposal due date to review with us your proposed scope of work.

The scope of work, plans, specifications, and copies of the proposal are available for review at our office at 1170 W. Third Street, 2nd Floor, San Bernardino, CA 92410; Monday through Friday, 8:00 am to 5:00 pm.

We are willing to assist all interested DBEs in obtaining bonds, lines of credit, and/or insurance.

If you are interested in participating in this project, please contact Jane Doe at (909) 123-4567.

Sincerely,

Jane Doe  
Project Manager

**SAMPLE FAX TRANSMITTAL CONFIRMATION**

|                  |        |                             |        |                      |        |
|------------------|--------|-----------------------------|--------|----------------------|--------|
| p.1              |        | ** Transmit Conf. Report ** |        | March 15, 2011 10:11 |        |
| Fax/Phone Number | Mode   | Start                       | Time   | Page                 | Result |
| 92133451245      | NORMAL | 15,10:11                    | 0' 36" | 1                    | *OK    |

Bolder Corporation  
1234 Granite Avenue, Suite 800 San Bernardino, CA 92410

---

CURRENT DATE

Attn: Estimator  
Subconsultants, Inc.  
468 Los Feliz Blvd.  
Los Angeles, CA 90014

Re: Request for Sub Bids

To Whom It May Concern:

Bolder Corporation is a construction firm bidding on the project listed below:

Project: (Insert Project Title)  
Bid Due Date: (Insert Bid Date)

We are seeking sub-bids from DBE subcontractors, subconsultants, and material and/or equipment suppliers in the areas of work included in, but not limited to, those listed below:

*(List specified work areas here)*

Bolder Corporation encourages all interested DBE firms to contact us at least 1 day prior to the bid due date to review with us your proposed scope of work.

The plans, specifications, and copies of the bid are available for review at our office at 1170 W. Third Street, 2<sup>nd</sup> Floor, San Bernardino, CA 92410; Monday through Friday, 8:00 am to 5:00 pm.

We are willing to assist all interested DBEs in obtaining bonds, lines of credit, and/or insurance.

If you are interested in participating in this project, please contact Jane Doe at (909) 123-4567.

Sincerely,

Jane Doe  
Project Manager

**SAMPLE METERED ENVELOPE**

|  |                    |
|--|--------------------|
| Your Company Name<br>Street/P.O. Address<br>City, State, Zip Code              | Metered Stamp Here |
| Potential Subcontractor/Vendor<br>Street/P.O. Address<br>City, State, Zip Code |                    |

**No. 5- WORK IDENTIFIED FOR DBE FIRMS**

- Work areas are specific items of work that the proposer/bidder will make available to DBE subcontractors/subconsultants/vendors. Items of work should be broken down into economically feasible units that would increase the likelihood of achieving the DBE goal.
- Work areas must be listed in documentation, with estimated dollar value and percentage of the total contract identified for that work area.
- Work areas must be listed either in advertisements or letters to potential subcontractors/subconsultants/vendors.
- Any work that proposer/bidder cannot complete should be listed as a work area for subcontractors/subconsultants/vendors.
- If proposer/bidder is able to complete all the work areas itself, it will have the option to:
  - ✓ Identify work areas that are potential areas to subcontract even though it is capable of carrying out these work areas itself, and/or
  - ✓ Perform an outreach to the suppliers that are specific to the project.
- All work areas for which proposer/bidder proposes utilizing a subcontractor/subconsultant/vendor should be represented in the GFE documentation.
  - ✓ Even if proposer/bidder has had a previous relationship with a subcontractor, subconsultant, or vendor, proposer/bidder must still list their relevant work area.



- ✓ A promise to use DBEs after the deadline for DBE or GFE documentation is not considered to be responsive to the contract or task order solicitation or to constitute Good Faith Efforts.

### **FOLLOW UP DOCUMENTATION**

- The bidder/proposer must document all efforts to follow up the initial solicitations made by contacting **all** subcontractors/subconsultants/vendors to whom it sent letters. The follow-up documentation to be submitted includes copies of letters, telephone logs, fax confirmations, emails, etc.
- If subcontractors/subconsultants/vendors have not responded to letter/faxes/emails, telephone calls should be made *after the letters have been sent and before the deadline*. It is important that the bidder/proposer develops a telephone log that includes the following information:
  - ✓ Project name
  - ✓ Name of person placing call
  - ✓ Name of company called
  - ✓ Contact person's name
  - ✓ Date of call
  - ✓ Time of call
  - ✓ Results of conversation
- Follow up contact must be made at least once with all subcontractors/subconsultants/vendors with whom proposer/bidder left messages.
- Criteria that will be considered:
  - ✓ Were the calls made during the lunch hour or too late in the work day?
  - ✓ Did proposer/bidder make a second follow up call with all firms with whom messages were left?
  - ✓ Review of the result of the conversation. If a subcontractor/subconsultant/vendor had offered to provide a quote but does not, follow up is required.
  - ✓ Did proposer/bidder attempt other forms of contact as follow up to the initial contact?

**SAMPLE TELEPHONE LOG**

\_\_\_\_\_  
 (INSERT BIDDER/PROPOSER COMPANY NAME)

| Telephone Log                     |      |              |         |                |                   |       |                           |
|-----------------------------------|------|--------------|---------|----------------|-------------------|-------|---------------------------|
| Project Title:                    |      |              |         |                |                   |       |                           |
| Name of Person Placing the Calls: |      |              |         |                |                   |       |                           |
| Work Area:                        |      |              |         |                |                   |       |                           |
| Date                              | Time | Company Name | Phone # | Contact Person | Please Select One |       | Result(s) of Conversation |
|                                   |      |              |         |                | DBE               | Other |                           |
|                                   |      |              |         |                |                   |       |                           |
|                                   |      |              |         |                |                   |       |                           |
|                                   |      |              |         |                |                   |       |                           |
|                                   |      |              |         |                |                   |       |                           |
|                                   |      |              |         |                |                   |       |                           |
|                                   |      |              |         |                |                   |       |                           |

**ATTACH ADDITIONAL SHEETS AS NECESSARY**

**No. 6- LIST OF REJECTED DBE FIRMS**

Bidder/proposer must provide a list of all DBE firms that were rejected and include the following information:

- ✓ Project name
- ✓ DBE firm name
- ✓ DBE firm address
- ✓ DBE firm phone number
- ✓ Total price/quote
- ✓ Reason for rejection
- ✓ Firm(s) selected for the work area that the rejected firm was solicited for
- ✓ Price difference for each DBE firm if the selected firm(s) is not a DBE

Please attach copies of the quotes from firms involved. A sample and blank version of a form entitled "Rejected DBE Firms List" is included in these Guidelines.

**SAMPLE REJECTED DBE LIST**

| <b>Project Name:</b> Hwy 100 Landscaping |                        |                     |  |                |                     |   |
|--|------------------------|---------------------|--|----------------|---------------------|---|
| <b>Work Area #1:</b> Demolition          |                        |                     |  |                |                     |   |
| <b>DBE Firm Name</b>                     | <b>Sent Letter Y/N</b> | <b>Selected Y/N</b> | <b>Address</b>                           | <b>Phone #</b> | <b>Price/ Quote</b> | <b>Reason for Rejection</b>                               |
| ABC Contractors                          | Y                      | Y                   | 100 N. Lemon Street<br>My City, CA 92114 | 858-xxx-xxxx   | \$18,000.00         |   |
| XYZ Demo Co.                             | Y                      | N                   | 123 Main Street<br>My City, CA 92101     | 619-xxx-xxxx   | \$15,000.00         | Incomplete bid. Only contained ½ of items required        |
| Blue Company                             | Y                      | N                   | 987 Oak Avenue<br>My City, CA 92110      | 619-xxx-xxxx   | \$27,000.00         | Bid too high. \$9,000 more than selected proposer/bidder  |
| <b>Work Area #2:</b> Landscaping         |                        |                     |  |                |                     |   |
| <b>DBE Firm Name</b>                     | <b>Sent Letter Y/N</b> | <b>Selected Y/N</b> | <b>Address</b>                           | <b>Phone #</b> | <b>Price/ Quote</b> | <b>Reason for Rejection</b>                               |
| Green Landscaping                        | Y                      | Y                   | 1 Main Street<br>My City, CA 92110       | 619-xxx-xxxx   | \$44,100.00         |   |
| Landscape, Inc.                          | Y                      | N                   | 555 Forest Lane<br>My City, CA 92115     | 858-xxx-xxxx   | \$42,800.00         | Lowest bid, but did not include backflow preventer        |
| Ed's Sprinkler & Landscape               | Y                      | N                   | 172 Front Street<br>My City, CA 92122    | 858-xxx-xxxx   | \$66,118.00         | Bid too high. \$22,000 more than selected proposer/bidder |

**BLANK REJECTED DBE LIST**

| <b>Project Name:</b> |                 |              |         |         |              |                      |
|----------------------|-----------------|--------------|---------|---------|--------------|----------------------|
| <b>Work Area #1:</b> |                 |              |         |         |              |                      |
| DBE Firm Name        | Sent Letter Y/N | Selected Y/N | Address | Phone # | Price/ Quote | Reason for Rejection |
|                      |                 |              |         |         |              |                      |
|                      |                 |              |         |         |              |                      |
|                      |                 |              |         |         |              |                      |
|                      |                 |              |         |         |              |                      |
| <b>Work Area #2:</b> |                 |              |         |         |              |                      |
| DBE Firm Name        | Sent Letter Y/N | Selected Y/N | Address | Phone # | Price/ Quote | Reason for Rejection |
|                      |                 |              |         |         |              |                      |
|                      |                 |              |         |         |              |                      |
|                      |                 |              |         |         |              |                      |
|                      |                 |              |         |         |              |                      |

**No. 7- LIST OF EFFORTS: Bonds, lines of credit, and other assistance**

- List any efforts to assist DBE firms with obtaining bonds, lines of credit, or insurance.
- List any efforts to assist DBE firms with other technical assistance or information related to scope of work, plans, specifications, and requirements for the work that was provided to DBEs.
- Include information in the advertisement and the written notice to DBE firms about the proposer's/bidder's assistance with items listed above.
- See Sample Advertisement and Sample Written Notice.

**No. 8- LIST OF EFFORTS: Equipment, supplies, materials**

- List any efforts to assist DBE firms with obtaining necessary equipment, supplies, materials, or related assistance or services.
- Include information in the advertisement and the written notice to DBE firms about the proposer's/bidder's assistance.

**No. 9- ORGANIZATION OUTREACH**

- Letters must be sent to outreach agencies, not less than *10 calendar days prior* to the bid/proposal due date, requesting assistance in recruiting DBE subcontractors/subconsultants/vendors. A sample organization outreach letter is included in these Guidelines.
- Letters should be sent to all the listed organizations and must contain:
  - ✓ Specified work areas
  - ✓ SBCTA project name
  - ✓ Bid due date/time
  - ✓ The proposer's/bidder's name
  - ✓ Contact person's name
  - ✓ Contact person's address
  - ✓ Contact person's telephone and fax number, email address
- To meet GFE requirements, bidder/proposer must:
  - ✓ Include language stating a recruitment of DBE subcontractors/subconsultants/vendors.
  - ✓ Include the specified work areas
  - ✓ Send letters within adequate time
  - ✓ Submit copies of the letters sent, or one master notification -
    - If emailed: copies of the sent and received emails with date and time sent or received.

- If faxed: copies of the fax transmittal confirmation sheet(s). No credit for error messages, busy, cancelled, etc.
- If mailed: copies of the metered envelopes or certified mail receipts.
- ✓ Submit copies of responses received (i.e. email, lists, internet page download, etc.)

**OUTREACH ORGANIZATIONS THE INLAND EMPIRE**

|  |  |
|--|--|
| <p><b>Inland Empire Small Business Development Center (SBDC)</b><br/>                 201-A North E Street<br/>                 P.O. Box 1785<br/>                 San Bernardino, CA 92401<br/>                 Phone: (909)-888-9011<br/>                 Fax: (909) 888-9074<br/>                 Email: rusher@iesmallbusiness.com<br/>                 Web: www.iesmallbusiness.com</p> | <p><b>Inland Empire Small Business Development Center – High Desert Office</b><br/>                 15490 Civic Drive, Suite 102<br/>                 Victorville, CA 92392<br/>                 Phone: (760) 951-1592<br/>                 Fax: (760) 951-8929<br/>                 Email: kgerke@iesmallbusiness.com<br/>                 Web: www.iesmallbusiness.com/</p>  |
| <p><b>So. Cal. Black Chamber of Commerce</b><br/>                 1000 West 4th Street, Suite 339<br/>                 Ontario, CA 91762<br/>                 Phone: (909) 969-5274<br/>                 Fax:<br/>                 Email: info@blackchamberofcommerce.org<br/>                 Web: www.blackchamberofcommerce.org/</p>  | <p><b>Inland Empire Women’s Business Center</b><br/>                 202 E. Airport Drive, Suite 100<br/>                 San Bernardino, CA 92408<br/>                 Phone: (909) 890-1242<br/>                 Fax: (909) 890-1538<br/>                 Email: ?</p>   |
| <p><b>Inland Empire Hispanic Chamber of Commerce</b><br/>                 255 N. D St. #217<br/>                 San Bernardino, CA 92401<br/>                 Phone: (909) 888-2188<br/>                 Fax: (909) 888-1151<br/>                 Email: <a href="mailto:ie_chamber@eee.org">ie_chamber@eee.org</a><br/>                 Web: www.eee.org/</p>                              | <p><b>High Desert Hispanic Chamber of Commerce</b><br/>                 14286 California Avenue<br/>                 Victorville, CA 92392<br/>                 (760) 241-0661<br/>                 Email: Vickie@hdhcc.org<br/>                 Web: www.hdhcc.org/</p>   |
| <p><b>Black Contractors Association of San Diego</b><br/>                 6125 Imperial Avenue<br/>                 San Diego, CA 92114<br/>                 Phone: (619) 263-9791<br/>                 Fax: (619) 263-6865<br/>                 Email: nationalbca@aol.com<br/>                 Web: www.bcasd.org/</p>   | <p><b>FOR DBE/ CERTIFICATION:</b><br/> <b>LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO)</b><br/>                 Diversity and Economic Opportunity Dept.<br/>                 One Gateway Plaza<br/>                 Los Angeles, CA 90012<br/>                 Phone: (213) 922-2600<br/>                 Fax: (213) 922-7660<br/>                 Web: <a href="http://www.metro.net/about/deod/sbcu/">http://www.metro.net/about/deod/sbcu/</a></p> |

## SAMPLE ORGANIZATION LETTER

**Bolder Corporation**

1234 Granite Avenue, Suite 800 San Bernardino, CA 92410

CURRENT DATE

Inland Empire Small Business Development Center  
201-A North E Street  
P.O. Box 1785  
San Bernardino, CA 92401

Re: Requesting assistance in obtaining qualified and certified DBE subcontractor/subconsultants/vendors

Dear Ms. Smith:

Bolder Corporation is a construction firm bidding on the project listed below:

Project: (Insert Project Title)

Bid Due Date: (Insert Bid Date)

We are seeking your assistance in recruiting qualified and certified DBE subcontractors/subconsultants/vendors, and material and/or equipment suppliers in the areas of work included in, but not limited to, those listed below:

*(List specified work areas here)*

Please forward any information you may have regarding any certified DBE firms that might be interested in working on this project to our office via FAX at: (909) 123-4567. Please contact Jane Doe for any information or questions.

Sincerely,

Jane Doe  
Project Manager



## **No. 10- GOOD FAITH NEGOTIATING**

- All quotes received must be submitted with the GFE documentation:
  - ✓ Include all bids/proposals for areas of work that were not indicated in the outreach.
  - ✓ Include all quotes from both certified and non-certified subcontractors/subconsultants/vendors (DBEs, Small Businesses, others).
  - ✓ Subcontractor bid dollar amounts MUST match bid-listed dollar amounts on GFE forms.
  - ✓ All dollar amounts and scopes of work on the subcontractor/subconsultant/vendor bid must not be altered by the prime proposer/bidder. If a revision is necessary, a revised quote from the subcontractor/subconsultant/vendor must be obtained.
  - ✓ All verbal quotes received MUST be substantiated by a corresponding hard quote from the subcontractor/subconsultant/vendor and submitted with the GFE documentation to be considered.
- All bid-listed subcontractors/subconsultants/vendors must be represented in the GFE documentation.
  - ✓ If they were not sent a letter, please detail in the comments section of the summary sheet how these subcontractors/subconsultants/vendors came to submit a bid.
- To document GFE, proposer/bidder must:
  - ✓ Submit all quotes received as well as any revised and follow-up hard quotes where necessary.
  - ✓ Submit a List of Rejected Firms that includes a breakdown of the subcontractors/subconsultants/vendors who responded and their corresponding work areas, listing the quoted amounts, the selected subcontractor/subconsultant/vendor, and the reasons for the selection and non-selection.

### **Some considerations:**

- For IFB and other solicitations evaluated based solely on a cost factor or where cost is considered by SBCTA in its evaluation process, should you decide to self-perform a specified work area, proposer/bidder must show that its price is competitive to that of the subcontractors/subconsultants/vendors who responded to the outreach. This is not applicable for qualification-based solicitations where cost is not a factor.
- Proposer/bidder is NOT required to select any subcontractor/subconsultant/vendor based solely on their certification status. Your decision to select a subcontractor/subconsultant/vendor should be based on the subcontractor's/subconsultant's/vendor's bid/proposal amount and/or qualifications.

- Although the proposer/bidder may not be required to bid list all the selected subcontractors/vendors, you must indicate a selection for each work area on the summary sheet. This must include any self-performed areas.

**SAMPLE SUMMARY SHEET**

*List all subcontractors submitting quotes, proposals, or bids*

| <b>Project Name:</b>             |                            |             |                   |                       |                         |  |
|----------------------------------|----------------------------|-------------|-------------------|-----------------------|-------------------------|--|
| <b>Work Area #1:</b> Demolition  |                            |             |                   |                       |                         |  |
| <b>Company Name</b>              | <b>Sent Letter<br/>Y/N</b> | <b>Qty.</b> | <b>Unit Price</b> | <b>Total/Base Bid</b> | <b>Selected<br/>Y/N</b> | <b>Reason for selection or no selection</b>                            |
| ABC Demo Co.                     | Y                          |             | \$                | \$19,000.00           | Y                       | Selected/Lowest Most Complete Bid                                      |
| XYZ Demo Co.                     | Y                          |             | \$                | \$15,000.00           | N                       | Did not select/Excludes_____   |
| Blue Company                     | Y                          |             | \$                | \$21,000.00           | N                       | Did not select/Complete, but bid too high                              |
|                                  |                            |             | \$                |                       |                         |  |
|                                  |                            |             | \$                |                       |                         |  |
| <b>Work Area #2: Landscaping</b> |                            |             |                   |                       |                         |  |
| <b>Company Name</b>              | <b>Sent Letter<br/>Y/N</b> | <b>Qty.</b> | <b>Unit Price</b> | <b>Total/Base Bid</b> | <b>Selected<br/>Y/N</b> | <b>Reason for selection or no selection</b>                            |
| Mary's Landscaping               | Y                          |             | \$                | \$49,124.00           | Y                       | Selected/Lowest price and included backflow preventer                  |
| Landscape, Inc.                  | Y                          |             | \$                | \$42,800.00           | N                       | Did not select/Although lowest bid, did not include backflow preventer |
| Ed's Sprinkler & Landscape       | Y                          |             | \$                | \$66,118.00           | N                       | Did not select/Bid too high  |
|                                  | Y                          |             | \$                |                       |                         |  |
|                                  | Y                          |             | \$                |                       |                         |  |
|                                  |                            |             |                   |                       |                         |  |

| Work Area #3: <b>Electrical</b>   |                    |      |            |                |                 |                                      |
|---|--------------------|------|------------|----------------|-----------------|--------------------------------------|
| Company Name  | Sent Letter<br>Y/N | Qty. | Unit Price | Total/Base Bid | Selected<br>Y/N | Reason for selection or no selection |
|   |                    |      | \$         | \$             |                 |                                      |
|   |                    |      | \$         | \$             |                 |                                      |
|   |                    |      | \$         | \$             |                 |                                      |
|   |                    |      | \$         | \$             |                 |                                      |
|   |                    |      | \$         | \$             |                 |                                      |
|   |                    |      |            |                |                 |                                      |
|   |                    |      |            |                |                 |                                      |
| <b>Bond, Credit, and Insurance Assistance</b>   |                    |      |            |                |                 |                                      |
| <p>The Proposer/Bidders documented efforts to advise and assist DBE's on obtaining lines of bonds, lines of credit, and insurance required by the awarding authority or Proposer/Bidder. Required documentation: include in (advertisement) and (written notice to Subcontractors) information about the Proposer/Bidders assistance in obtaining bonds, lines of credit and insurance. Sample wording is highlighted in the sample advertisement and written notice to Subcontractors.</p> |                    |      |            |                |                 |                                      |

## VI. CONTACT SBCTA WITH ANY QUESTIONS

If you have any questions about achieving DBE contract or task order goals on a SBCTA solicitation or questions about GFE, please contact:

**Jeffery Hill**  
Procurement Manager  
SBCTA  
1170 W. 3rd St.  
San Bernardino, CA 92410  
909-884-8276  
[jhill@gosbcta.com](mailto:jhill@gosbcta.com)