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| GOOD FAITH EFFORTS |

To be a responsible and/or responsive Bidder, your firm must meet the Disadvantaged (DBE) or Minority and Women Owned Business Enterprise (MBE/WBE) and Service -Disabled Veteran-Owned Businesses (SDVOB) goal(s) on the contract or provide documentation to support good faith efforts taken to meet those goal(s). Actions to meet the goal should begin immediately upon a firm’s intent to work for NYSDOT on a project.

The Bidder can meet this requirement during the pre-award or pre-designation stage in two ways:

1. The Bidder documents commitments to meeting the goal(s).
2. The Bidder does not document commitments to meeting the goal, however provides detailed concrete, tangible, result oriented efforts showing their attempt to fulfill the goal(s).

**Pre-Letting & Pre-Designation Good Faith Efforts**

Once you have made the decision to entertain bidding on a project you should, at a minimum:

1. Analyze each item in the scope of work for a project and determine what items of work will

provide subcontracting opportunities;

1. Search the appropriate registry for certified vendors:
	1. For DBE vendor search UCP Directory *https://nysucp.newnycontracts.com*
	2. For MBE and WBE vendor search ESD Directory *https://ny.newnycontracts.com*
	3. For SDVOB vendor search: Office of General Services https://online.ogs.ny.gov/SDVOB/search

Tailor the search to those firms with business descriptions or NAICS codes that are most appropriate for the work identified. NYSDOT has developed a Crosswalk chart that equates NYSDOT Work Codes/ Pay Items with NAICS/NIGP codes.

1. Notify those firms of your intent to bid via email and telephone, requesting written feedback on their interest in participation as a vendor on your contract.
2. Ensure adequate time is given to the DBE/MBE/WBE/SDVOB Vendors to offer responses.

For more information regarding NAICS, go to the NAICS web site at: https://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012

 The Crosswalk chart can be found at: https://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information/civil-rights

Should you be selected as the low bidder or pre-designated firm, all documentation in attempts to meet the goal(s) will be evaluated prior to the actual award of the contract to your firm.

**Pre-Award & Pre-Designation Good Faith Efforts by the Low Bidder**:

Once a firm has been deemed low bidder or selected for pre-designation, commitments to DBE/MBE/WBE/SDVOB vendors must be entered in the Departments currently approved civil rights reporting software program (EBO). All vendors being utilized toward goal must acknowledge their intended participation in the EBO program.

Any shortfall in goal commitment requires supporting documentation to be provided to show all efforts taken. These efforts should include, at a minimum:

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| **Yes****(X)** | **No****(X)** | **Evidence of GFE** |
|  |  | AAP-10 Solicitation log: This log should list only those firms that were directly solicited. **(do not list mass emailing’s performed).** Outreach should be narrowly focused, targeted and result oriented. |
|  |  | Copies of emails and/or faxes that show “direct” scope of what you solicited the subcontractor/supplier, fabricator, etc. to do or provide **and** their responses. |
|  |  | Copies of documentation showing negotiations took place between low bidder and prospective subcontractor or other vendors (supplier, manufacturer, fabricator, etc.). |
|  |  | Copies of ads placed for solicitation |
|  |  | Evidence that off-site vendors and services were entertained (e.g., material suppliers, trucking, fabricator, manufacturer, etc.). |
|  |  | Copies of quotes received when a specific scope of work was given to a non-certified vendor versus a certified vendor (when certified vendor’s quote was deemed unreasonable or excessive). |
|  |  | Detailed explanation for any scope of work deemed “self-performing” without intent to split the work (when there are DBE or MBE/WBE or SDVOB availability and goal has not been met) |
|  |  | Copies of registry searches that resulted in no certified firms for a specific scope of work. |
|  |  | Detailed rational as to any scope of work in the project that is considered not to be a subcontract item. |
|  |  | Supporting documentation of any/all additional efforts performed prior to letting or pre-designation date. |

**Examples of insufficient/unacceptable documentation includes**:

* “In-house” generated lists that do not include DBE or MBE/WBE/SDVOB targeted vendors.
* “In-house” generated lists that do not identify vendors for specific work items or description being solicited.
* Copies of redundant emails to vendors containing identical language.
* Unsubstantiated response of non-interest from DBE or MBE/WBE/SDVOB vendors.
* Numerous copies of the entire contract sent to each vendor to attempt to provide quantity in lieu of quality.