



DBE Good Faith Effort

12.2024

Code of Federal Regulations

Code of Federal Regulations (CFR) Title 49, Subtitle A, Part 26

**Participation by Disadvantaged Business Enterprises in Department of
Transportation Financial Assistance Programs**

Funding Source – Federal Transit Administration

Triennial Goal – Attained through Good Faith Effort

Exhibit D

Exhibit D of a CapMetro Contracts/Procurements include the requirements of the forms that are addressed in this training, along with other DBE requirements.

Please ensure to READ Exhibit D in its ENTIRETY.

If you are completing this form as a result of an active contract or procurement, ensure that the purchaser, contract administrator, and/or project manager are copied.

DBE Good Faith Effort Form

If the bidder has not obtained sufficient DBE participation to meet the goal, the bidder must submit the DBE Good Faith Effort form, along with all supporting documentation at time of bid submittal deadline. The Department will determine if the bidder has documented DBE participation and/or made adequate good faith efforts to meet the goal.

The Department reserves the right to request clarification or additional information pertaining to the efforts employed by the bidder. Any written or electronic documentation must be limited to that which existed at the time the good faith efforts submission was due, not new information created after the fact.

Reference Exhibit D, Section 5 (Demonstration of and Documentation of Good Faith Effort)

Disclaimer: If you are completing this as a result of an active contract or procurement, ensure that the purchaser, contract administrator, and/or project manager are copied.

DBE Good Faith Effort Form



Disadvantaged Business Enterprise (DBE) Good Faith Effort Form

1/2023

DO NOT RECREATE OR CHANGE THIS DOCUMENT

For projects that have an established Disadvantaged Business Enterprise (DBE) contract goal, the bidder must make sufficient Good Faith Efforts ("GFE") to meet the goal. GFE requires the bidder to demonstrate that it took all necessary and reasonable steps to obtain sufficient participation by DBEs, even if the bidder was not fully successful. This means that enough work was made available to DBEs to meet the contract goal, at a minimum. The ability or desire of a bidder to perform the work with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Mere *pro forma* efforts are not good faith efforts to meet DBE contract requirements. This requirement can be met in either of two ways: (1) meet the goal by documenting commitments for participation; or (2) document adequate GFE for participation even if the bidder was unable to meet the goal. Bidders must allow for sufficient time to seek and respond to prospective DBEs. Additional costs incurred in finding and using DBE are not sufficient reason for failure to meet the goal, as long as such costs are reasonable. Bidders are not required to accept higher quotes from DBEs if the price differential is excessive or unreasonable. For guidance concerning the DBE Program GFE requirements, consult 49 CFR Part 26, Appendix A Guidance Concerning Good Faith Efforts.

If the bidder has not obtained sufficient DBE participation to meet the goal, the bidder must submit this Form, along with all supporting documentation at time of bid submittal deadline. The Department will determine if the bidder has documented DBE participation and/or made adequate good faith efforts to meet the goal.

The Department reserves the right to request clarification or additional information pertaining to the efforts employed by the bidder. Any written or electronic documentation must be limited to that which existed at the time the good faith efforts submission was due, not new information created after the fact.

Read this information concerning good faith effort requirements and supporting documentation that may be needed with this form.

I. BIDDER

Company Name:

Contact Person and title:

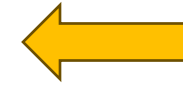
Phone:

Email:

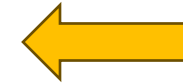
Step 1: Complete the Bidder's information section.

DBE Good Faith Effort Form

II. PROJECT			
IFB/RFP/SOQ#:	Project Name:	DBE Goal:	%
Indicate the DBE commitment amount and DBE goal you are requesting approval by CapMetro.			
Total DBE participation commitment: \$	percentage:	%	Goal reduction or waiver amount: %
III. GOOD FAITH EFFORTS			
<p>Check the boxes that identify the GFE taken by the bidder to achieve the goal, even if the bidder was unsuccessful. Not all sections apply. The Department will consider all documented efforts. comprehensively to determine whether adequate GFEs were performed. Provide an explanation and supporting documentation for each type of GFE selected.</p> <p>Only firms listed in the Texas Unified Certification Program (TUCP) DBE Directory with the DBE designation are considered for DBE GFEs. DBEs can be found on the TUCP Directory. DBE firms outside of Texas must have an Interstate Certification with TxDOT to be accepted.</p> <p><u>In the comment fields, explain why DBEs were or were not selected.</u></p> <p>Attach additional sheets as necessary.</p>			
<input type="checkbox"/> A. Solicited through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs capable of performing the work on the contract through all reasonable and available means. The solicitation must be done within sufficient time to allow DBE to respond.			
<p>Required documentation needed in support:</p> <ul style="list-style-type: none">• A copy of the solicitation(s) sent to DBEs, including date(s) sent, method(s) of contact (e.g., phone number, text, email, etc.), and person contacted.• Scope and dollar amount of work made available by contractor.• List of DBE firms contacted and the North American Industry Classification System ("NAICS") code from the firm's certification associated with the work in the solicitation. <p>Attach reports, spreadsheets, and other relevant documentation. Explain any follow-up with DBE:</p>			



Step 2: Input contract information and goal.



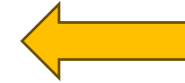
Step 3: Check all boxes that identify good faith effort taken to meet or exceed the DBE goal. Supporting document will be required for each section.



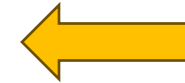
A: Check "A" if you solicited DBEs. Read this section for more direction to ensure compliance.

DBE Good Faith Effort Form

<input type="checkbox"/> B. Effectively used the services of available minority/ women community organizations, business assistance offices and other organizations that provide assistance in the recruitment and placement of DBEs.
Provide sufficient supporting documentation, including, but not limited to: <ul style="list-style-type: none">• Names of offices or organizations.• Copies of publications, newspapers, emails, or ads to solicit bids.• Details or specifics of the meeting or event attended, including the event flyer.• A list of DBE firms provided by the organization(s), if applicable.• A list of DBE firms met at any conference or event. Attach reports, spreadsheets, and other relevant documentation.
<input type="checkbox"/> C. Provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation
Provide sufficient supporting documentation, such as: <ul style="list-style-type: none">• Any communications demonstrating that project details were provided to those firms. The details must include dates when information was disseminated, method of contact, persons contacted, and outcomes.• List of DBE provided plans, specifications, and requirements of the contract. Indicated the date the information was provided.• The names of all DBE firms who submitted a quote to the bidder, including those the bidder did not solicit.• All DBE quotes and quotes from non-DBE for the same work items.• Dates and details of the bidder's follow-up with interested DBE. Attach reports, tables, spreadsheets, and other relevant documentation. If you did not respond to an interested DBE, explain why:



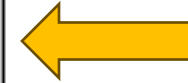
B: Check “B” if you used minority/women organizations, etc to find DBEs. Read this section for more direction to ensure compliance.



C: Check “C” if you provided DBEs with adequate information about the project. Read this section for more direction to ensure compliance.

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<input type="checkbox"/> D. Selected portions of the work to be performed by DBE to increase the likelihood that the DBE goal will be achieved. This includes breaking out contract work items into economically feasible units or smaller tasks or quantities to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform the work items with its own forces.
Provide sufficient supporting documentation, such as: <ul style="list-style-type: none">• Methods utilized to encourage participation from DBE, including a breakdown of the units of items into smaller tasks or quantities.• List of work items, including those incidental or subsidiary to the bid item to facilitate DBE participation.• An explanation of changes the contractor made to work items or scopes of work to obtain DBE participation.• If applicable, a description of the work offered to DBE that the bidder typically self-performs. Attach reports, spreadsheets and other relevant documentation. <div></div>
<input type="checkbox"/> E. Negotiated in good faith with interested DBE.
Provide sufficient supporting documentation, such as: <ul style="list-style-type: none">• Information as to why the DBE was not selected for the work. If a DBE quote was rejected without negotiation, explain why (include prequalification criteria, how you determined DBE capability, etc.) Attach reports, spreadsheets, and other relevant documentation. <div></div>



D: Check “D” if you selected portions of work to be performed by DBEs aimed at the goal. [Read this section for more direction to ensure compliance.](#)



E: Check “E” if you Negotiated in good faith with interested DBEs. [Read this section for more direction to ensure compliance.](#)

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<input type="checkbox"/> F. Made efforts to assist interested DBE in obtaining necessary equipment, supplies, materials, or related assistance or services in order to increase the likelihood of obtaining DBE participation.
Provide a list of DBEs assisted indicating the types of assistance given and details of assistance offered and of specific agreements agreed upon.
<input type="checkbox"/> G. Made efforts to assist interested DBE in obtaining bonding, lines of credit, or insurance required by the Department.
Provide relevant documentation.



F: Check “F” if you made efforts to assist DBEs in obtaining necessary resources. Read this section for more direction to ensure compliance.



G: Check “G” if you assisted DBEs in obtaining bonding, lines of credit, or insurance. Read this section for more direction to ensure compliance.

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V. BIDDER'S SIGNATURE	
By signing this form, you agree that the bidder aggressively made good faith efforts sufficient to obtain DBE participation and meet the DBE contract goal in whole or in part. Providing false information on this governmental record is a violation of Texas Penal Code §37.10 and could result in criminal penalties.	
<div></div>	<div></div>
Printed Name	Title
<div></div>	<div></div>
Signature	Date

Step 4: Print your name, include your title, sign, and date.

This document will be submitted with the Schedule C by or before the bid submission deadline.

Contact & Website To Get Forms/Training

Send an email to DBE@capmetro.org for assistance.

**DBE Forms, Trainings, &
New User – Vendor Information Form
(Vendor Reporting System –VRS)
<https://www.capmetro.org/dbe>**

CapMetro

Thank you!