

# **DBE 101**

## **External Training for Contractors** *Good Faith Efforts*

OFFICE OF EQUITY AND CIVIL RIGHTS  
NINA JONES, ASST. DIRECTOR OF BUSINESS DIVERSITY AND INCLUSION

April 08, 2025

# Good Faith Efforts



# Good Faith Efforts (GFE)

1. The Rules that Govern
2. Pre and Post Award Good Faith Efforts (GFE)
3. Documentation

# Good Faith Efforts (GFE)

The Rules That Govern

1. Federal Regulations
2. 49 CFR Part 26.53
3. Appendix A



# Good Faith Efforts (GFE)

## Definition

This means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

# Good Faith Effort (GFE)

49 CFR Part 26.53 | Pre-Award

- A. When you have established a DBE contract goal, you must award the contract only to a bidder/offeror who makes good faith efforts to meet it. You must determine that a bidder has made good faith efforts if the bidder/offeror does either of the following things:**
1. Documents that it has obtained enough DBE Participation to meet the goal; or
  2. Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

# Good Faith Effort (GFE)

## Appendix A | 11 Questions (1-6)



1. Did the bidder solicit through all reasonable and available means the interest of all certified DBEs who had capability to perform work on the contract?
2. Did the bidder solicit interest within sufficient time to allow the DBEs to respond to the solicitation?
3. Did the bidder take appropriate steps to follow-up initial solicitations?
4. Did the bidder break out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces?
5. Did the bidder provide DBEs with the adequate information about the plans, specs and requirements of the contract in a timely manner?
6. Did the bidder negotiate in good faith with interested DBEs?

# Good Faith Effort (GFE)

Appendix A | 11 Questions (7-11)



7. Did the bidder make portions of the work available to DBE subcontractors and suppliers to be consistent with availability of DBEs, so as to facilitate DBE participation?
8. Did the bidder make any efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance?
9. Did the bidder make an effort to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance to services?
10. Did the bidder effectively use the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance centers?
11. Were other bidders able to meet the Condition of Award goal based upon information submitted with their DBE Utilization form?

# Good Faith Efforts (GFE)

## True or False

It is better to send less rather than more documentation when writing a Good Faith Effort.

# Good Faith Efforts (GFE)

## FALSE!

This is the opportunity for YOU to tell your story. If it's not in writing, we must assume it didn't happen.

# Good Faith Efforts (GFE)

## True or False

It is the responsibility of the Local Agency, Project Engineer, or Project Manager to write the documentation for a Good Faith Effort on behalf of the Prime Contractor.

# Good Faith Efforts (GFE)

## FALSE!

The **Prime Contractor** is responsible for documenting and providing the information for a Good Faith Effort.

# Good Faith Efforts (GFE)

Documentation Pre Award and Post Award

1. **Bidders' List**
2. **Contact Log**
3. **Notification to Certified Firm(s)**  
*- example: emails & web postings*
4. **Initial Solicitation Follow-up**  
*- request a contact log*
5. **Copies of Public Announcements**  
*- example: newspapers & community outreach notices*



# Good Faith Efforts (GFE)

**Specific portion of work identified for DBE subcontractors should include:**

- Scope identified
- Estimated value of contract
- Estimated percentage of contract

**Outreach and engagement events held, and did you reach out to your OECR Regional Lead to attend:**

- Provide sign-in sheets

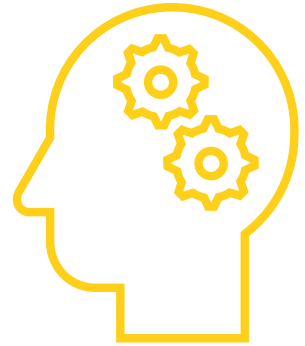
**Proof you negotiated in good faith – this should include:**

- DBE subcontractor name
- Scope of work
- Date rejected and \*reason

*\*If price competitiveness was the reason for the rejection, you should provide copies of all quotes received.*

# Good Faith Efforts (GFE)

Post Award



We still utilize the 11 questions ***even during post award GFEs***

Additional things to think about:

- Did you take necessary and reasonable steps to achieve the goal?  
We consider intensity/efforts to obtain the goal. ***It's not just the quantity of your efforts but also the quality.***
- When change orders arise, consult with your Regional OECR contact on the impact or potential impact to DBEs.

# Good Faith Efforts (GFE)

## Tips to Achieve the Goal

1. Encourage your employees to attend training opportunities.
2. Encourage proactive thinking of inclusion from the start.
3. Primes can build and mentor capacity on private sector jobs to increase participation when performing on their public sector jobs.
4. **Be responsive when disputes arise.**



# Good Faith Efforts (GFE) | Examples

February 10, 2023

John Butterfinger  
KitKat DOT  
0123 Wilshire Boulevard  
Seattle, WA 90036

**Subject:** Request for Good Faith Efforts: Owner letter - C2024-LET-LLL-00123

Dear Mr. Butterfinger,

M&M Construction, LLC (MCL) is in receipt of your letter C2024-LET-LLL-00123. MCL has performed good faith efforts (GFE) as requested and has prepared a GFE package for your review, which summarizes all the efforts that took place to attempt to find DBE Participation. Additionally, MCL has provided responses to each item listed in letter C2024-LET-LLL-00123 and listed where they can be found in the GFE package. After extensive efforts, MCL was unable to find a DBE firm with the required capabilities or qualifications to perform the scope of work.

- advertisements in trade/focus/general publications
  - (Located in Attachment 2)
- copies of notices to community/trade organizations
  - (Located in Attachment 3)
- copies of solicitations or invitation to bid to the 213 certified DBEs in California with NAICS code 238210 on their DBE certification
  - (Located in Attachment 3)
- follow up emails, call logs etc to the DBE's solicited
  - (Located in Attachment 4)
- documentation of negotiation in good faith
  - (Located in Attachment 4 and 5)
- any outreach or prebid meetings hosted
  - (None hosted, since there were no qualified interested firms)
- any DBE community events attended during the solicitation period
- efforts to make the plans and specs available to interested DBE's
  - (None, since there were no qualified interested firms)
- assistance in bonding, insurance, lines of credit made available
  - (None, since there were no qualified interested firms)

Please contact the undersigned below if you have any additional questions or concerns.

Sincerely,

M&M Construction  
Project Manager

1. Good Faith Efforts Memo
2. Advertisements
3. Notice of Interest (NOI), Stats, List of DBE's and Organizations
4. Call Log/Emails
5. Request for Qualification

# GFE MEMO

## MEMORANDUM:

Date: February 9, 2023

To: John Butterfingher (KitKat DOT)

From: M&M, M&M Construction, LLC (MCL)

SUBJECT: Request for Proposal (RFP)Traction Power Substation System (TPSS)

### Project - Bidders List Development

M&M Construction, LLC (MCL) has completed Disadvantaged Business Enterprise (DBE) Good Faith Efforts (GFE) for the subject RFP and had initially identified nine (9) DBE firms. However, after further vetting none of the DBE's had the required capabilities or qualifications to perform the scope of work as further detailed below.

The GFE activity consisted of the following:

- **Step 1 - Issue Notice of Interest:**

The attached Notice of Interest Email (NOI) was sent via MailChimp on January 20, 2023 for the subject RFP. The NOI was sent to 4,365 recipients. Recipients include DBE firms from the CUCP database, Small Business Organizations. Attached you will find the confirmation of distribution for the NOI which includes statistics of receipt, etc. 37 DBE firms responded with interest to the NOI via the MTI web form and call effort process.

- **Step 2 - Identify Applicable NAICS/Work Codes:**

MTI identified the following NAICS codes that match the scope of the subject RFP:

238210 – Electrical Contractors and Other Wiring Installation Contractors

- **Step 3 – Perform Targeted Call Effort**

MCL performed a call effort during the period of 1/23/2023 through 1/26/2023. From the above list of DBE recipients, MCL identified and called the 195 firms that are certified to perform work under the identified NAICS code. Eight (8) DBE firms expressed interest through the call effort. 29 DBE firms expressed interest through the web form.

From the above outreach efforts, MCL identified 37 DBE firms interested in the subject RFP. Of the interested DBE firms, nine (9) firms were identified as being potential prime bidders and 28 firms who do not have the appropriate NAICS code or qualifications to perform this work.

Of all 37 DBE firms interested, none of the DBE's had the required capabilities or qualifications to perform the scope of work. Therefore, none of the DBE's were provided the plans and specs, and a pre-bid meeting wasn't hosted. Please see the notes in the attached "Bidders List Success/Reject Reason" column for more details. Additionally, you find all of the backup documentation as it relates to the good faith efforts performed, including proof of advertisements, list of community/trade organizations call log, proof of solicitation, Request for Qualifications submitted, list of DBE firms with the appropriate NAICS code, etc.

Certification Type	Total	Prime Bidder Candidate	Lower Tier Candidate	Do not have the right NAICS Code/Qualifications
DBE	37	9	7	21
Non-DBE	0	0	0	0
Total	37	9	7	21

# ADVERTISEMENT


1/25/23, 7:56 AM

Compliance News | Good Faith Effort Outreach Help | Diversity Biz Journal

(800) 599-6996

My Account

EST. 2008

COMPLIANCE  
NEWS  
YOUR SOLUTION FOR DBE OUTREACH

[WHAT WE OFFER](#)  
[Contractors & government](#)

[DIVERSITY TOOLS](#)  
[DBE, M/WBE, Vet Biz click here](#)

[ABOUT US](#)  
[Info & useful services](#)

## Trade Journal

[REDACTED]

is seeking certified and qualified DBE subcontractors and/or suppliers to provide Design, supply, deliver, install, test and commission Traction Power Substation System Contract is subject to the provisions of California law regarding Public Works, including, but not limited to California Labor Code Sections 227, 1021, and 1720 through and including 1861, together with all applicable regulations (e.g. Title 8 California Code of Regulations, Section 16001 et. seq.). Contract is federally funded, and is also subject to payment of prevailing wages under federal law by the Davis Bacon Act, as determined by the US Department of Labor. Subcontractor shall provide Payment and Performance Bonds, each at one hundred percent (100%) of the Total Contract Price, issued by a Surety with an A.M. Best Rating of A- or better and Class VII, unless otherwise approved by [REDACTED], and authorized to issue such bonds in the state of California. Notice-to-Proceed (NTP) is anticipated to be issued on March 1, 2023 and substantial completion must be achieved no later than October 9, 2024.

**PROJECT NAME**  
[REDACTED]

**BID CONTRACT #:**  
Not Available

**AWARDING AGENCY:**  
[REDACTED]

**PROJECT LOCATION**  
Los Angeles, CA

**BID DUE DATE:**  
01-27-2023 at 05:00 AM

**OUTREACH COORDINATOR**  
[REDACTED]

**TELEPHONE:**  
2138106103

**FAX:**  
Not Available

**ADDRESS:**  
[REDACTED]  
[REDACTED]

[Send Message](#)

# NOTICE OF INTEREST

2/7/23, 10:57 AM

Notice of Interest: Traction Power Substation System

## Notice of Interest: Traction Power Substation System

Fri, Jan 20, 2023 at 11:14 AM

[View this email in your browser](#)

### Notice of Interest

**Due Date:**

**Friday, January 27, 2023, at 5:00 PM PT**

M&M Construction, LLC (MCL) seeks qualified Disadvantaged Business Enterprise (DBE) subcontractor firm(s) to provide the following scope of work for the [K&K&T Department of Transportation](#) (KDOT) [Rainbow Line Extension, Section 1](#) project:

- **Design, supply, deliver, install, test and commission Traction Power Substation System**
  - Contract is subject to the provisions of California law regarding Public Works, including, but not limited to California Labor Code Sections 227, 1021, and 1720 through and including 1861, together with all applicable regulations (e.g. Title 8 California Code of Regulations, Section 16001 et. seq.).
  - Contract is federally funded, and is also subject to payment of prevailing wages under federal law by the Davis Bacon Act, as determined by the US Department of Labor.
  - Subcontractor shall provide Payment and Performance Bonds, each at one hundred percent (100%) of the Total Contract Price, issued by a Surety with an A.M. Best Rating of A- or better and Class VII, unless otherwise approved by LACMTA, and authorized to issue such bonds in the state of California.
  - Notice-to-Proceed (NTP) is anticipated to be issued on March 1, 2023 and substantial completion must be achieved no later than October 9, 2024.

If your firm is interested and qualified to perform these scopes of work, please click below to submit your Notice of Interest (NOI) before the listed due date:

[SUBMIT NOTICE OF INTEREST](#)

Please feel free to contact [info@mcl.com](mailto:info@mcl.com) if you have any questions or need assistance!

Thank you for your time,

MCL Diversity Team

# LIST OF DBE'S FROM UCP

## Unified Certification Program Certified Directory

### 3P Construction, Inc. DBA 3P Landscaping

<b>Owner</b>	<b>Email</b>	<b>Phone</b>	<b>Fax</b>	<b>Website</b>	<b>Physical Address</b>
Nayeli Pelayo	estimating@3pconst.com	909-569-9197		http://www.3pconst.com	28782 Goetz Rd Menifee, CA 92587

<b>Mailing Address</b>	<b>Ethnicity</b>	<b>Gender</b>	<b>Certifying Agency</b>	<b>Cert Type</b>	<b>Capability</b>
28782 Goetz Rd Menifee, CA 92587	Hispanic American	Male	Caltrans	DBE	Landscaping and Electrical Contractor

**Commodity Codes**  
 237110 - Water and Sewer Line and Related Structures Construction; 238210 - Electrical Contractors and Other Wiring Installation Contractors; 561730 - Landscaping Services; A0780 - LANDSCAPE & HORTICULTURAL SERVICES; C2065 - IRRIGATION SYSTEM; C2067 - LANDSCAPE CARE AND MAINTENANCE SERVICES; C8601 - MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION; C8602 - SIGNAL & LIGHTING; C8603 - SIGNAL; C8604 - LIGHTING; C8611 - RAMP METERING SYSTEM; C9867 - Landscaping Contractor

**County**      **UCJP Public Directory Certification Number**  
 Riverside    48295

### 75 ELECTRIC, INC.

<b>Owner</b>	<b>Email</b>	<b>Phone</b>	<b>Fax</b>	<b>Website</b>	<b>Physical Address</b>
ALONSO RIVAS	service@75electrical.com	562-728-3861		http://www.electrical.com	5542 ORANGE AVENUE, UNIT E CYPRESS, CA 90630

<b>Mailing Address</b>	<b>Ethnicity</b>	<b>Gender</b>	<b>Certifying Agency</b>	<b>Cert Type</b>	<b>Capability</b>
5542 ORANGE AVENUE, UNIT E CYPRESS, CA 90630	Hispanic American	Male	Caltrans	DBE	

**Commodity Codes**  
 238210 - Electrical Contractors and Other Wiring Installation Contractors; C9858 - RESIDENTIAL ELECTRICAL; C9859 - Commercial Electrical

**County**      **UCJP Public Directory Certification Number**  
 45738

### Abigail Electric Inc.

<b>Owner</b>	<b>Email</b>	<b>Phone</b>	<b>Fax</b>	<b>Website</b>	<b>Physical Address</b>
Oscar C. Gomez	OGomez@AbigailElectric.com	323-691-0466		http://abigail electric inc.	3111 W. Ramona Rd Apt H Alhambra, CA 91803

<b>Mailing Address</b>	<b>Ethnicity</b>	<b>Gender</b>	<b>Certifying Agency</b>	<b>Cert Type</b>	<b>Capability</b>
3111 W. Ramona Rd Apt H Alhambra, CA 91803	Hispanic American	Male	Metro	DBE	Electrical Contractor

**Commodity Codes**  
 238210 - Electrical Contractors and Other Wiring Installation Contractors

**County**      **UCJP Public Directory Certification Number**  
 Los Angeles    51154

# EMAIL COMMUNICATION

2/9/23, 6:45 PM

Request for Clarification (RFC)-Traction Power Substation System (TPSS)

## Request for Clarification (RFC)-Traction Power Substation System (TPSS)

3 messages

M&M <MCL@none.com>  
To: luis valle <valleluis@hotmail.com>


Sun, Feb 5, 2023 at 4:31 PM

Hello,

Please find the attached Request for Clarification (RFC) as a continuation of our Step One evaluation process. Note the deadline for responses is Wednesday, February 8, 2023 by 5 pm.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

 TPSS Request for Clarification\_Valle Grande Construction.pdf  
177K

luis valle <valleluis@hotmail.com>  
To: M&M <MCL@none.com>

Mon, Feb 6, 2023 at 8:59 PM

Here it goes.

Thanks,


Sam  
Valle Grande Bridge  
Construction  
(818) 624-5576


**From:** M&M <MCL@none.com>  
**Sent:** Sunday, February 5, 2023 4:31 PM  
**To:** Sam <vallesam@hotmail.com>

**Subject:** Request for Clarification (RFC)-Traction Power Substation System (TPSS)

[Quoted text hidden]

2 attachments

 Certificate\_DBES&SBE.pdf  
666K

 TPSS Request for Clarification\_Valle Grande Bridge Construction.pdf  
311K

# Good Faith Efforts (GFE)

## Green Flags



1. Not rejecting DBEs as being unqualified without sound reasons and based on a thorough investigation of their capabilities.
2. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
3. \*Efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.  
  
*\*THIS DOES NOT MEAN letting the DBE borrow Prime's equipment or supplies or obligating them to use Prime's preferred suppliers.*
4. We consider the quality, quantity, and intensity of the different kinds of efforts that the Prime/bidder has made based on the regulations.
5. Notifying the DBE when there is a potential underrun and working with them to find other certified work they could perform to help reach the goal.

# Good Faith Efforts (GFE)

## Red Flags



1. Blaming the DBE or Subcontractor for not meeting the goal or commitment.
2. Not keeping the Local Agency, Local Programs, WSDOT Construction, or Office of Equity and Civil Rights (OECR) informed about the possibility of an underrun.
3. Terminating a DBE so the Prime can self-perform the work.
4. Limiting the search for substitute DBE participation to only the terminated or partially terminated DBE instead of all DBEs certified to perform all potentially sub-contractable work scopes.
5. Not contacting the DBE if there is good cause for a partial termination and substitution or not following the partial termination process.



# Good Faith Efforts (GFE)

## Red Flags



6. Not looking for additional work that the DBE is certified and could perform on the project to help meet the goal.
7. Waiting until the end of the contract to reach out to the DBE requesting a partial termination.
8. Not providing the required written 5-day notice for the DBE to respond to a partial termination.
9. Not having a backup plan for possible underruns. Only hiring one DBE.
10. Not paying subcontractors within 10 days of receiving a payment from the project owner according to Washington State Law.
11. Turning in a narrative without supporting documentation on why the goal was not met.

# Resources



**Nina Jones**  
Assistant Director  
Business Diversity & Inclusion  
(360) 947-6788

[Nina.Jones@wsdot.wa.gov](mailto:Nina.Jones@wsdot.wa.gov)



**DBE Administration**  
(360) 705-7090

[OECSOffice@wsdot.wa.gov](mailto:OECSOffice@wsdot.wa.gov)



**Michael Carpenter**  
Manager  
Technical Services  
(360) 705-6864

[DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov)



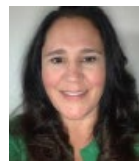
**Diane Gard**  
Manager  
Tribal Employment  
Rights Office (TERO)  
&  
DBE Small Business  
Compliance  
(360) 522-0851

[TERO@wsdot.wa.gov](mailto:TERO@wsdot.wa.gov)



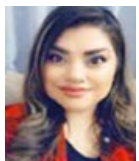
**Fatema Aboutaleb**  
DBE Compliance Lead  
Goal Setting & Bid Clearance  
(360) 522-0843

[GoalRequests@wsdot.wa.gov](mailto:GoalRequests@wsdot.wa.gov)



**Tonya Ahsoak-Stevens**  
External Civil Rights Specialist  
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Region, Olympic Region and  
Headquarters & TERO/EEO  
(360) 741-1895

[NWregionoeo@wsdot.wa.gov](mailto:NWregionoeo@wsdot.wa.gov)  
[TERO@wsdot.wa.gov](mailto:TERO@wsdot.wa.gov)



**Rosa Covarrubias**  
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[Ferriesoeo@wsdot.wa.gov](mailto:Ferriesoeo@wsdot.wa.gov)



**Stephanie Enochs**  
DBE Compliance Lead  
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Central Region  
(360) 742-1896

[ERregionoeo@wsdot.wa.gov](mailto:ERregionoeo@wsdot.wa.gov)  
[NCregionoeo@wsdot.wa.gov](mailto:NCregionoeo@wsdot.wa.gov)



**Breanne Higginbotham**  
External Equal  
Employment  
Opportunity (EEO)  
Officer  
(360) 522-0850

[Breanne.Higginbotham@wsdot.wa.gov](mailto:Breanne.Higginbotham@wsdot.wa.gov) [SWregionoeo@wsdot.wa.gov](mailto:SWregionoeo@wsdot.wa.gov)

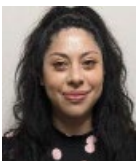


**Tracey Johnson**  
DBE Compliance Lead  
Southwest Region  
(360) 701-9823



**Brooke Leslie**  
External Civil Rights  
Specialist  
(360) 705-7085

[DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov)



**Naomi Melendez**  
DBE Compliance Lead  
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(564) 233-8605

[NWregionoeo@wsdot.wa.gov](mailto:NWregionoeo@wsdot.wa.gov)



**Andrew Olson**  
DBE Compliance Lead  
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[NWregionoeo@wsdot.wa.gov](mailto:NWregionoeo@wsdot.wa.gov)



**Laurie Rasmussen**  
DBE Compliance Lead  
Olympic Region  
Local Programs  
(360) 742-7995

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**Justin Satiacum**  
DBE Compliance  
Lead Olympic Region  
Construction  
(360) 706-3323

[Oregionoeo@wsdot.wa.gov](mailto:Oregionoeo@wsdot.wa.gov)

# Resources

## Regional Map



# Resources

## Emails

REGION	EMAIL
Headquarters	<a href="mailto:HQoeo@wsdot.wa.gov">HQoeo@wsdot.wa.gov</a>
Eastern Region	<a href="mailto:ERRegionOEO@wsdot.wa.gov">ERRegionOEO@wsdot.wa.gov</a>
North Central Region	<a href="mailto:NCRegionOEO@wsdot.wa.gov">NCRegionOEO@wsdot.wa.gov</a>
Northwest Region	<a href="mailto:NWRegionOEO@wsdot.wa.gov">NWRegionOEO@wsdot.wa.gov</a>
Olympic Region	<a href="mailto:ORegionOEO@wsdot.wa.gov">ORegionOEO@wsdot.wa.gov</a>
South Central Region	<a href="mailto:SCRegionOEO@wsdot.wa.gov">SCRegionOEO@wsdot.wa.gov</a>
Southwest Region	<a href="mailto:SWRegionOEO@wsdot.wa.gov">SWRegionOEO@wsdot.wa.gov</a>
Washington State Ferries	<a href="mailto:Ferriesoeo@wsdot.wa.gov">Ferriesoeo@wsdot.wa.gov</a>
Tribal Employment Rights (TERO)	<a href="mailto:TERO@wsdot.wa.gov">TERO@wsdot.wa.gov</a>