

**Good Faith Effort
Compliance Determination Form
PROJECT NAME (CLMC ###)**

3d.2

	Solicitation Goals	<i>Low Bidder</i> BIDDER A		<i>Second Bidder</i> BIDDER B	<i>Third Bidder</i> BIDDER C
Base Bid		\$1,697,612.00		\$2,527,184.00	\$3,217,200.00
MBE	-	-		-	-
African American	1.87%	1.56%		0.99%	0.00%
Hispanic	1.53%	0.00%		0.00%	0.07%
Asian/Native	1.69%	0.59%		0.00%	0.00%
WBE	1.91%	16.20%		18.91%	9.60%

Before beginning the review, verify the following information:

- 1) MBE/WBE Certifications and Certified for Scopes of Work listed (Please note – If a firm does not show they are certified in eCapris, please verify if their name was listed on the availability list. If the company name was listed on the availability list, we must count their participation toward the respective MBE/WBE goal or subgoals.)
- 2) Verify percentages by calculating participation based on the Preliminary Bid Tabulation dollar amounts (Base Bid)
- 3) Verify there are no certified firms listed under Section V (Non-Certified firms)
- 4) Count MBE/WBE firms used as second/third level subcontractors
- 5) Count Primary hauling company (if certified) toward MBE/WBE participation
- 6) Contact certified firms to verify dollar amounts and scope of work listed on the compliance plan.

MINIMUM REQUIREMENTS

1	<p>Solicit certified MBE/WBE subcontractors with a Significant Local Business Presence (SLBP) and request a response from those interested subcontractors who believe they have the capability to perform the work of the contract through at least two reasonable, available, and verifiable means.</p> <p>The Bidder must solicit this interest more than seven (7) business days prior to submission of the Compliance Plan to allow sufficient time for the MBEs or WBEs to respond. (The date bids/proposals are due to the City should not be included in the seven day solicitation criteria.) The Bidder must take appropriate steps to follow up with subcontractors who respond. The Bidder must state a specific and verifiable reason for not contacting each certified Firm with a significant local business presence.</p>	<p>BIDDER A, Inc. was found compliant for the following reasons: BIDDER A Inc. submitted two verifiable methods (e-mail & fax) of contact to all available subcontractors listed on the availability list. 65 <i>Good Faith Efforts</i> verifications were sent. We received back 7 responses. 4 of the 7 responses were contacted. 3 stated they were not contacted however, our GFE review showed that these 3 companies were contacted by fax and emails. BIDDER A documented responses from all vendors listed on the availability list.</p>
2	<p>Provide interested MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract, including addenda, in a timely manner, to assist them in responding and submitting a bid.</p>	<p>BIDDER A provided information about plans, specifications, requirements of the contract to interested MBE/WBE companies</p>

**Good Faith Effort
Compliance Determination Form
PROJECT NAME (CLMC ###)**

4c.

3	Negotiate in good faith with interested MBEs/WBEs that have submitted bids/proposals to the Bidder. An MBE/WBE that has submitted a bid to a Bidder but has not been contacted within five (5) business days of submission of the bid may contact SMBR to request a meeting with the Bidder. Evidence of good faith negotiation includes the names, addresses, and telephone numbers of MBEs/WBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for MBEs/WBEs to perform the work. Bid shopping is prohibited.	BIDDER A negotiated in good faith with interested MBE/WBE companies. BIDDER A. listed 3 M/WBE companies to perform scopes of work that were not listed in the Trade Summary or the Availability List. The Project Manager confirmed that these scopes of work will be needed to complete the project. The PM's email is attached.
4	Select portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the MBE/WBE goals or subgoals will be met. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE/WBE participation, even when the Bidder might otherwise prefer to perform these work items with its own forces.	BIDDER A selected portions of work to be performed by MBE/WBE companies in order to increase the likelihood of meeting the subgoals.
5	Publish solicitation notice in a local publication (i.e. newspaper, trade association publication, or via electronic/social media).	BIDDER A published solicitation notice in local Craigslist.
6	Use the services of available community organizations; minority persons/women contractors' groups; local, state, and federal minority persons/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of MBEs/WBEs.	BIDDER A used the services of available MBE/WBE minority community organizations.
7	Seek guidance from SMBR on any questions regarding compliance with this section.	SMBR was contacted for assistance.

ADDITIONAL EFFORTS

1	Whether the Bidder made efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or contractor.	N/A
2	Whether the Bidder made efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.	N/A

**Good Faith Effort
Compliance Determination Form
PROJECT NAME (CLMC ###)**

4c.

Did the other bidders/proposers meet the goals? Yes No

If yes, were there any efforts that the other bidders/proposers performed that need to be considered in evaluating the lowest bidder's/proposer's efforts? Please explain.

None

REMINDER – THE DIRECTOR MUST SPEAK WITH THE LOWEST COMPLIANT BIDDER IF LESS THAN HALF THE GOAL IS MET. THIS SHOULD HAPPEN BEFORE THE COMPLIANCE PLAN IS SIGNED.

GOOD FAITH EFFORT REVIEW – BREAKDOWN OF SMBR QUESTIONNAIRE RESPONSES RECEIVED FROM MBE/WBEs (Please breakdown the information per ethnic group)

Company	Bid Submitted Y/N	Scope of Work	Comments
H&H Foradory Construction Services (HIS)	No	Metal coatings, protective	Company was contacted
All Points Inspection Services (FB)	Y	Construction Photography	Listed on Compliance Plan
Santa Clara Construction (HIS)	No	Metal coatings, protective	Company was contacted
Alpha Paving Industries(Asian)	No	Metal coatings, protective	Company was contacted
Underground Construction (FH)	No	Management, construction	Per GFE company was contacted (sub did not confirm contact)
Lewis Concrete Restoration (FH)	No	Metal coatings, protective	Per GFE company was contacted (sub did not confirm contact)
JTE Company (MB)	No	Boxes & Parts, Handy	Per GFE company was contacted (sub did not confirm contact)

GOOD FAITH EFFORT REVIEW – BREAKDOWN OF MBE/WBE BIDS/PROPOSALS REVIEWED (SUBMITTED WITH GOOD FAITH EFFORTS) (Please breakdown the information per ethnic group)

Company	Bid Submitted Y/N	Scope of Work	Comments
Benqwest, LLC (Asian)	Y	Fuel Supply	CP (commodity code not listed on Trade Summary/Availability List)
Avery's Lawn Care & Landscaping (MB)	Y	Erosion Control	CP (commodity code not listed on Trade Summary/Availability List)
Merrigan Electric (FW)	Y	Electrical Services	CP (commodity code not listed on Trade Summary/Availability List)
All Points Inspection Services (FB)	Y	Construction Photography	Listed on Compliance Plan

Good Faith Effort
Compliance Determination Form
PROJECT NAME (CLMC ###)

4c.

SMBR REVIEWING COUNSELOR'S RECOMMENDATION

Based on the good faith effort review, the Bidder/Proposer is Compliant/ Non-Compliant.

If non-compliant, please site the sections of the City Code below that were not achieved and attach the non-compliant memo.

Section 2-9(A)(B)(C)(D)-21(E)

BIDDER A submitted complete GFE documentation as outlined in 2-9A-21(A-H)

PLEASE NOTE: Reviews must be performed within the seven day timeframe as outlined by the Ordinance and Program Rules. The seven day time frame includes the conference call with SMBR Director. If additional time is needed by the 4th day of your review, email explanation of your request along with the amount of time needed to both your Supervisor and courtesy copy the Assistant Director. Both Supervisor and Assistant Director will review the request and inform you of the approval. If requests are not emailed, deadlines missed will be reflected on performance measures.

Augmentation – As stated on Section 2-9(A-D)-21 (H) (2), the Director may request clarification in writing of items listed in the compliance plan, provided such clarification is minor and shall not include the opportunity to augment listed MBE/WBE participation or Good Faith Efforts.

Augmentation means to increase. As part of Pre-Award's compliance review process, there are times that clarification is required on in order to finalize the review of Compliance Plans submitted by Bidders/Proposers. Please note that clarification should be requested in writing with a deadline for submission. The clarification does not allow Bidders/Proposers to resubmit Compliance Plans (increasing dollar amounts or adding new subcontractors) or submitting new Good Faith Effort documentation that was not included on their original packet on bid date.

The following is not considered augmentation:

- 1) Clarification on subcontractor dollar amounts. If the Bidder/Proposer included alternate items in the subcontractor dollar amounts listed on the Compliance Plan. Please remember that dollar amounts should only include base bid amounts. The clarification should be submitted in writing either via email or fax listing the subcontractors and the correct dollar amounts (these amounts should be decreases). The information should be submitted on one page and does not ask for a new Compliance Plan submission.
- 2) Clarification on how to count participation for a dually certified firm. If the Bidder/Proposer marked both MBE/WBE boxes, please request in writing, how participation should be counted and remind them that subs cannot be double counted.