

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION SPECIAL PROVISION: DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

PROJECT _____

RACE/GENDER CONSCIOUS GOAL The DBE goal for this project is: _____%

NDDOT Contact Information	
Civil Rights Division 3 rd Floor – Transportation Building	General inquiries: 701-328-2637 - or - civilrights@nd.gov
Contractor Sign In & Submit Advertisements at: https://apps.nd.gov/dot/cr/csi/login.htm	Denise G. Spanjer, DBE Program Administrator 701-328-3116 - or - dgspanjer@nd.gov
Submit quotes to: subquotes@nd.gov or Fax: 701-328-0343	Ramona Bernard, Civil Rights Division Director 701-328-2576 - or - rbernard@nd.gov
DBE Directory https://dotnd.diversitycompliance.com/	All times are stated in Central Time. “Days” refers to calendar days, unless otherwise stated.

PURPOSE

These provisions:

1. Provide an explanation of the federal law and information regarding compliance with the DBE requirements applicable to this contract,
2. Explain the process NDDOT will follow to evaluate bidders’ efforts to obtain DBE participation
3. Provide the standards NDDOT will use to measure compliance with the requirements
4. Identify sanctions

FEDERAL AUTHORITY

The following paragraph must be included in all subcontracts of all tiers in accordance with 49 CFR § 26.13(b):

“The contractor or all tiers of subcontractors shall not discriminate on the basis of race, color, sex, sexual orientation, gender identity, national origin, age, or disability in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR § 26.13 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as NDDOT deems appropriate which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible”

It is the prime contractors’ responsibility to ensure all tiers of subcontractors, brokers, manufacturers, suppliers, vendors, and regular dealers comply with the requirements of this special provision. In addition, the prime contractor has the responsibility to monitor DBE performance on the project, and to ensure that the DBE performs a commercially useful function (CUF).

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REQUIREMENTS

- I, II, III, V - REQUIRED - ALL BIDDERS
- I, II, III, IV, V - REQUIRED - ALL SUBCONTRACTORS OVER \$500,000
- III, IV - REQUIRED - ALL PROVIDING QUOTES OVER/UNDER \$500,000
- I, II - WAIVED IF THE BIDDER MEETS THE PROJECT DBE GOAL

Contract award will be made to the lowest responsible bidder whose proposal substantially complies with the requirements prescribed herein and who has met the goal for DBE participation, or has demonstrated, to the satisfaction of the Department, adequate good faith efforts to do so.

I. ADVERTISE

All bidders and subcontractors over \$500,000 must advertise using one of the following two options:

OPTION 1: Place an advertisement soliciting DBE participation using the electronic **DBE Advertisement System**.

- Submit the required information online at <https://apps.nd.gov/dot/cr/csi/login.htm> no later than noon, 15 calendar days before the bid opening. This system has been added to the Bid Opening Sign-In System and replaces the DBE Newsletter advertisement requirement.

OPTION 2: Directly contact by email or fax, all DBEs certified in the specific NAICS (work type) required.

- Contact with DBEs must be made no later than 5 p.m. seven days before the bid opening.
- Use the DBE Directory to determine the DBE firms certified in the work to be subcontracted.

Either method of advertisement must:

- Provide the name, email address, telephone, and fax number of the company contact who will be available to discuss and/or receive quotes.
- Offer assistance to DBEs in interpreting plans; quantities; expected overtime; project scheduling;

pit and batch plan locations, length of haul, type of road; method of measurement (seeding by the mile or acre, hauling by hour or by ton-mile) or other issues that may affect a price quote.

BidEx ads do not count as having advertised.

II. SIGN IN

All bidders and subcontractors over \$500,000 must indicate their intention to bid and/or receive quotes on specific jobs by using the Department’s Bid Opening Sign-In System.

To indicate their intention to quote or receive quotes, all subcontractors, brokers, manufacturers, suppliers, vendors, and regular dealers are strongly encouraged to use the Bid Opening Sign-In System. When signing in subcontractors should select the type of work, i.e., grading, trucking, or other work they wish to perform.

The **Bid Opening Sign-In** web application is located at <https://apps.nd.gov/dot/cr/csi/login.htm>.

- Sign-In opens at 8 a.m. seven days prior to the bid opening and closes at 11 a.m. the day before the bid opening.
- Fill in the online form as required.
 - Name of company, contact person, address, email, telephone, and/or fax number
 - Company contact who will be available to receive and discuss quotes/proposals
 - Preferred method of contact - email, telephone, and/or fax number
 - Job number(s)
- The “**Bid Opening Contact Report**” is available for download at any time during the Bid Opening Sign-In period.
- Log in to download the “**Bid Opening Contact Report**” at <https://apps.nd.gov/dot/cr/csi/public/listBidOpenings.htm>

III. RECEIVE & EVALUATE ALL QUOTES GIVEN

All bidders and all subcontractors over \$500,000 must receive and evaluate all quotes offered, whether the quotes are calculated by ton-mile, hour, acre or square mile, and whether work elements are intended to be subcontracted. It is the responsibility of any person receiving quotes to convert the quotes to an acceptable format.

All subcontractors quoting over \$500,000 must attach a completed copy of Form A to their quote when submitting it to the bidder.

All quotes given for each job should be faxed or emailed to bidders or subcontractors the day before the bid opening by the times listed below. Subcontractors interested in work on the advertised jobs are encouraged to quote all contractors on the Sign-In report.

DBE AND NON-DBE	PROVIDE QUOTES BY
Suppliers (brokers/regular dealers), vendors, & manufacturers	2 p.m. Central
Subcontractors under \$500,000	5 p.m. Central
Subcontractors over \$500,000	8 p.m. Central

NECESSARY QUOTE INFORMATION

SFN 60211, Price Quotation, contains all pertinent information fields required for communicating clear and accurate quotes on NDDOT projects. SFN 60211 may be accessed at Department’s website <http://www.dot.nd.gov/forms/sfn60211.pdf>

SFN 60211 is not required; however, if this form is not used, include all of the information listed on the form to assure clear and accurate quotes.

IV. SUBMIT QUOTES TO NDDOT

All subcontractors, suppliers, manufacturers, regular dealers, vendors, and brokers must fax or email quotes to the Department the day before the bid opening. Quotes received at or before 8 p.m. **may be used** in a bid differential between a DBE and non-DBE. Quotes submitted after 8 p.m. **may not be considered in the bid differential analysis.**

V. SUBMIT BY 4 P.M. 7 CALENDAR DAYS AFTER THE BID OPENING

SFN 52750 – FORM A

All bidders and subcontractors over \$500,000 must submit Form A as part of the electronic bid proposal and address all DBE quotes received. A revised Form A ([SFN 52750](#)) must be submitted before the deadline if any of the following conditions are present.

<http://www.dot.nd.gov/forms/sfn52750.pdf>

- Additional DBE Participation is achieved after the time of bid,
- Electronic Form A was incorrectly completed, or
- By request of the Department.

The bidder must also include Form A information for all subcontractors over \$500,000. Bidders are strongly encouraged to account for any intended use of DBEs by their subcontractors in order to more accurately reflect their goal achievement.

SFN 52013 – FORM B OR QUOTE COPIES

All bidders and subcontractors over \$500,000 must submit one of the following:

- Copies of all quotes from all tiers of subcontracting or,
- SFN 52013, [Form B - List of Businesses Submitting Quotes](#) with a list of all businesses that submitted quotes from all tiers of subcontracting. When submitting Form B, copies of all quotes must be retained, by each bidder, until the job is awarded.

Regardless of whether submitting quotes or Form B, bidders must indicate which subcontractor(s), suppliers, regular dealers, vendors, manufacturers, or brokers will be used on the job.

APPARENT LOW BIDDER - PRE-AWARD REQUIREMENTS

To be awarded this contract, the apparent low bidder (ALB) must either:

1. Meet the DBE Goal on the project within 7 calendar days of the bid opening
2. Demonstrate adequate Good Faith Efforts (GFE) (see SFN 60829)

The project may be awarded only after the ALB submits all documentation to the Department by 4 p.m. seven (7) calendar days after the Bid Opening (as required by 49 CFR § 26.53(b)(3)(i)(B)). The earlier the documentation is submitted, the greater the possibility of having an early award.

WHEN THE PROJECT DBE GOAL IS MET:

The ALB must submit [SFN 52160](#), Form C - [Notification of Intent to Use](#), in addition to the previously submitted Form A or [SFN 52750](#), and quote copies or SFN 52013 [Form B - List of Businesses Submitting Quotes](#).

WHEN THE DBE GOAL IS NOT MET:

The ALB has seven (7) calendar days to meet the project goal if it has not been met at the time of the bid opening.

If the project goal is not met within 7 calendar days of the bid opening, the bidder must have advertised, signed in, and shown good faith efforts to achieve the goal.

In addition to the previously submitted Form A or [SFN 52750](#) and quote copies or SFN 52013 [Form B - List of Businesses Submitting Quotes](#), the bidder must also submit the following:

- SFN 52160, Form C [Notification of Intent to Use](#)
- SFN 60829, [Contractor Good Faith Efforts Documentation](#) (SFN 60829 is located at the end of this Special Provision)

[Contractor Good Faith Efforts Documentation](#) <http://www.dot.nd.gov/forms/sfn60829.pdf> provides the basis of the ALB's written account of its efforts in good faith which were employed to achieve the goal.

SFN 60829 lists the documentation necessary to demonstrate the ALB's good faith efforts to achieve the goal. The ALB must specifically demonstrate through SFN 60829 that it took all necessary and reasonable actions to achieve a DBE goal. The Department's evaluation of the efforts will be based on the ALB's submitted documentation. *Failure to meet the goal may cause the DBE Participation Committee to recommend "Not Award"*.

The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. (Appendix A to 49 CFR § 26 IV D (2))

If the ALB indicates that it intends to self-perform and/or use a non-DBE to perform work quoted by a DBE, a written comparison between the DBE's quote and the prime's and/or non-DBE's cost of performing the specific spec/code item must accompany SFN 60829. The ALB also must fully detail the methodology applied in calculating the cost of their self-performed work items.

It is not acceptable to limit the use of DBEs because a larger amount of work is intended to be subcontracted to a Non-DBE.

EVALUATION OF GOOD FAITH EFFORTS

Proposals may be considered irregular and may be rejected by the Department if there is a substantial and material non-compliance with the DBE requirements. The Department reserves the right to waive minor irregularities and/or certain elements of this special provision.

Federal regulations require the Department to scrutinize a bidder's documented good faith efforts. When the ALB fails to meet the contract goal, but others meet it, it is reasonable to question whether the ALB made good faith efforts to meet the goal. ([Appendix A to 49 CFR § 26 V.](#))

If the ALB fails to achieve the project goal and fails to submit adequate GFE documentation by the deadline, the DBE Participation Review Committee (Committee) will notify the Director's designee that the bidder failed to demonstrate GFE. The Department

may reject the proposal.

If the ALB fails to submit good faith efforts (GFE) on a project in question, the Department may reject the proposal.

If the ALB has not met the project goal and provides the required documentation, the Committee will evaluate the ALB's GFE and DBE participation. The Committee will notify the Director's designee(s) of its determination.

1. **Award:** If the Committee determines the ALB has adequately demonstrated GFE, the committee will recommend "Award".
2. **Award Subject To Using DBE:** If the committee determines the ALB has not adequately demonstrated GFE by selecting a non-DBE used in a Bid Differential (non-DBE/BD), the committee may recommend "Award Subject To" using the DBE(s).

The Director's designee(s) will consider whether the DBE quote not used due to bid differential was reasonable and whether the ALB should have in good faith used the DBE quote. If the DBE quote is determined to be reasonable, the Director's designee(s) will provide the ALB an opportunity to increase participation by using the DBE or a DBE performing another type of work.

If the Department determines that a non-DBE's quote is reasonable, the non-DBE/BD may be used.

If the ALB commits to additional participation, an updated/corrected Form A and a completed Form C with the DBE must be submitted prior to award. Faxed or photocopied signatures are acceptable. The ALB is responsible for all additional costs incurred.

If the ALB does not commit to additional participation, administrative reconsideration is available.

3. **Not Award:** If the Committee determines the ALB has not adequately demonstrated GFE, the committee may recommend "Not Award".

Upon notification of a recommendation for a Not Award determination, the Director's designee(s) will consider the Committee's recommendation. If the Designee(s) agrees with the Committee's recommendation, the Designee(s) will contact the ALB to inform them of the determination, the reasons for it, and that administrative reconsideration is available.

Administrative Reconsideration 49 CFR § 26.53 (d)

- The ALB has two calendar days to respond with documentation or argument(s) concerning whether its good faith efforts to meet the goal were adequate.
 - An in-person reconsideration meeting is available at the ALB's request.
 - The Director's designee(s) will consider any information submitted.
 - The NDDOT reconsideration decision will be made by the Director's designee(s), who will not have taken part in the original determination.
 - If the Director's designee(s) determines the ALB made adequate good faith efforts to meet the goal, the job will be recommended for award.
 - If the Director's designee(s) determines that the ALB has failed to sway the decision from "Not Award", the ALB will receive written notice of the decision.
 - The Director will make the final decision and may exercise such discretion as deemed appropriate.
 - The result of the reconsideration process is not administratively appealable to the US Department of Transportation.
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POST-AWARD REQUIREMENTS

PRIME CONTRACTOR’S MONITORING, RESPONSIBILITIES, REPORTING

For the life of the project, the prime contractor is responsible for the DBEs listed on Form C and for the specific spec/code items or products that the prime committed to during the award process.

The prime is responsible to:

- Invite and encourage all subcontractors and all DBEs listed on Form C to the pre-construction conference.
- Provide minutes to any DBE not in attendance at the pre-construction conference.
- Ensure their company as well as any subcontractors, manufacturers, and regular dealers/suppliers comply with the requirements of this special provision.
- Provide all subcontractors with Proposed Project Schedules and any necessary updates.
- Monitor DBE performance on the project.
 - Submit SFN 60597, DBE Performance – Commercially Useful Function (CUF) Certification to the project engineer with SFN 5682, Prime Contractor’s Request to Sublet. Project engineers will not approve Requests to Sublet without the CUF Certification.
 - Submit SFN 60638, Monthly Record of DBE Project Payments for each DBE on the project, by the 15th calendar day of every month while payments are made to the DBE.
- Maintain project records and documentation of payments to DBEs for three years following acceptance of the final payment from NDDOT (per FHWA-1273, Section II Nondiscrimination #11).
 - Submit SFN 14268, DBE Participation Certification for each DBE, to the project engineer within 4 weeks of the DBE contract work completion. Each certification must be signed by the prime contractor and DBE used on the project.
 - This reporting requirement also applies to any certified DBE.
 - NDDOT may perform interim audits of contract payments to DBEs to ensure that the actual amount paid to DBEs equals or exceeds the dollar amount stated on Form C.
 - Make these records available for inspection, upon request, by an authorized representative of the NDDOT or USDOT.

If SFN 60597, SFN 60638, and/or SFN 14268 are not received in a timely manner, progress payments will be withheld until submitted.

GFE RESPONSIBILITIES FOR THE LIFE OF THE CONTRACT

If award of the contract is made based on the contractor’s good faith efforts, the goal will not be waived; the contractor must make good faith efforts throughout the duration of the project.

The prime contractor shall not terminate or replace a DBE subcontractor without the Department’s prior written consent. 49 CFR 26.53(f)(1)i.

The Department’s contract includes a provision stating:

- (A) That the contractor shall utilize the specific DBEs listed to perform the work and/or supply the materials unless the contractor obtains written consent; and
- (B) That, unless the Department’s consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

SFN 60595 - Replacement Approval Request must be submitted and approved prior to replacement of each DBE firm(s), or Non-DBE/BD(s), or any work the prime originally intended to self-perform prior to the

commencement of any replacement work. No payment will be made if work commences without written approval. The form may be accessed at the Department's website:

<http://www.dot.nd.gov/forms/sfn60595.pdf>

If the prime has not achieved the goal and additional work becomes available, the prime must follow the replacement approval request process using SFN 60595.

EXCEPTION FOR REPLACEMENTS DUE TO PUBLIC NECESSITY

When replacement work is required as a matter of public necessity, (e.g., safety, storm water issues), the contractor must immediately notify the project engineer and the DBE or Non-DBE/BD intended at the time of award. If the DBE or Non-DBE/BD is unable to perform the work within the time specified by permit or administrative rule, the DBE or Non-DBE/BD must notify the prime immediately; and, within one business day, a written explanation must be submitted to the prime with a copy to the project engineer. The project engineer refers all replacement approval requests to the Assistant District Engineer (ADE). In a case of public necessity, the ADE has the authority to allow the contractor to self-perform the replacement work or to find another contractor to complete it.

TERMINATION FOR CAUSE

A DBE or Non-DBE/BD may not be terminated without the Department's prior written consent. (49 CFR 26.53(f)(1)(i))

The Department will provide such written consent if the Department agrees that the contractor or subcontractor has good cause to terminate the DBE firm or Non-DBE/BD.

Circumstances which may be considered good cause for termination include when the listed DBE or Non-DBE/BD:

- Fails or refuses to execute a written contract
- Fails or refuses to perform the work of its subcontract in a way consistent with the contract and/or with normal industry standards, provided, that good cause does not exist if the failure or refusal of the listed DBE or Non-DBE/BD to perform its work on the subcontract results from the bad faith or discriminatory action of the prime or subcontractor
- Fails or refuses to meet the prime contractor's reasonable nondiscriminatory bond requirements
- Becomes bankrupt, insolvent, or exhibits credit unworthiness
- Is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215, and 1,200 or applicable state law
- Is ineligible to receive DBE credit for the type of work required
- Dies or becomes disabled with the result that the listed DBE or Non-DBE/BD is unable to complete its work on the contract
- Other documented good cause that the Department determines compels the termination of the listed DBE or Non-DBE/BD

Good cause does not exist if the prime contractor or subcontractor seeks to terminate a DBE or Non-DBE/BD which was relied upon to obtain the contract so that the contractor can self-perform the work for which the DBE or Non-DBE/BD was engaged or so that the contractor can substitute another DBE or Non-DBE contractor after contract award.

The contractor must immediately give written termination notice to DBE or the Non-DBE/BD. At the same time, SFN 60595 and its supporting documentation must be provided to the project engineer for review and analysis of the reasons for the intended termination.

The contractor must give the DBE or Non-DBE/BD five calendar days to respond to the termination notice. Within that time, the DBE or Non-DBE/BD should respond with a written explanation of their reasons

and/or objections to the proposed termination and specifically address why the Department should deny the contractor's request. This explanation should be submitted in reply to the contractor with a copy to the project engineer.

The project engineer will send the contractor's SFN 60595, the DBE or Non-DBE/BD's written response(s) and any other accompanying documentation to the Civil Rights Division (CRD). If the CRD concurs that a termination is warranted, the contractor must seek a DBE to perform the work.

All DBEs currently certified in the specific area of work to be performed, must be contacted in writing or by phone, and quotes solicited. If available, a DBE will be selected to perform a dollar value of work, equal to the value of the commitment not achieved, unless the contractor can demonstrate the DBE quote is unreasonable, using the same comparison in section "Good Faith Efforts Documentation."

Upon receipt of appropriate written GFE documentation, and prior to commencement of any replacement work, CRD will consider the contractor's efforts and provide a final written decision to the project engineer.

In instances where trucking replacements are sought, DBEs and/or Non-DBEs as allowed by regulation must be selected to cover all the trucking required until sufficient participation is met.

UNFULFILLED OBLIGATIONS

The Department requires SFN 60595 and its supporting documentation when a contractor, DBE, or Non-DBE/BD does not fulfill her or his obligations in any of the following situations:

- The prime contractor is unable to perform the full amount of work committed to be completed, by the prime's workforce and equipment, at the time of award, or
- The Non-DBE/BD to which the prime contractor committed using at the time of award, is unable to perform the full amount of work, or
- The DBE or Non-DBE/BD withdraws voluntarily from the project and provides to the prime written notice of its withdrawal.

SFN 60595 and its supporting documentation must be provided to the project engineer for review and analysis. If the DBE or Non-DBE/BD is not able to perform, the prime contractor must provide written documentation from the DBE or Non-DBE/BD as to the reasons. The project engineer refers all replacement approval requests to the ADE. The Civil Rights Division will provide a written final determination to the project engineer.

If the Department concurs that a substitution is warranted, the prime contractor will seek a DBE to perform the work. All DBEs currently certified in the specific area of work to be performed, must be contacted in writing or by phone, and quotes solicited. If available, a DBE will be selected to perform a dollar value of work, equal to the value of the commitment not achieved, unless the contractor can demonstrate the DBE quote is unreasonable, using the same bid differential comparison in section "Good Faith Efforts Documentation."

In instances where trucking replacements are sought, DBEs and/or Non-DBEs as allowed by regulation must be selected to cover all the trucking required until sufficient participation is met.

The prime contractor is responsible for any additional costs incurred as a result of the prime contractor's failure or the subcontractor quoting over \$500,000 to fulfill the original commitment or the DBE or Non-DBE/BD's failure to perform.

NON-COMPLIANCE, FAILURE TO PERFORM, AND SANCTIONS

If the Department determines that a contractor should be sanctioned, the Department will provide written notice to the contractor informing them of the sanction for the following:

- Not submitting required documentation in a timely manner
- Not paying a DBE in a timely manner
- Not having a DBE perform the specified dollar amount of work (subject to plan quantity changes) tasks or bid items
- For otherwise not fulfilling the requirements of this DBE special provision

If the Department determines that a DBE should be sanctioned, the Department will provide written notice to the DBE informing them of the sanction for the following:

- Failure to perform work as specified in the contract
- Failure to pay contract-related bills in a timely manner
- Failure to perform a commercially useful function
- Failure to notify the prime contractor orally and in writing if they are unable to perform a commercially useful function
- Otherwise not fulfilling the requirements of this DBE special provision

Other grounds for sanctions may include, but are not limited to: repeated instances of failure to perform the contract requirements, repeated instances of late contract-related payments, or documented fraudulent practices.

If sanctions are applied, the contractor or the DBE may make a written request to the Department for reconsideration. The contractor or the DBE must provide a written statement defending their actions within 3 calendar days.

If the Department does not receive a written request for reconsideration, or if the contractor or DBE does not provide sufficient evidence that the provisions have been met, the Department may suspend the contractor or the DBE bidding or quoting privileges and not allow the contractor or the DBE to participate in one or more scheduled bid openings after the date the sanction is imposed.

Further sanctions which may be imposed by the Department for failure on the part of the contractor may include, but are not limited to:

- Withhold the contractor's progress payment until the contractor complies with all DBE contract provisions
- Deduct, from the contractor's progress payments, the dollar amount of DBE participation committed to but not achieved by the contractor
- Find the contractor in default
- Liquidated damages
- Disqualifying the contractor from future bidding
- Take other corrective action determined by the Department to be appropriate
- Any combination of the above.

NDDOT MONITORING AND ENFORCEMENT MECHANISMS

The Department will bring any false, fraudulent, or dishonest conduct in connection with the DBE program to the attention of USDOT. USDOT may pursue action as provided in 49 CFR § 26.107. Actions include referral to the Department of Justice for criminal prosecution or referral to the USDOT Office of Inspector General for action under suspension and debarment, or Program Fraud and Civil Remedies rules. The Department will also consider similar action under its own legal authority, including responsibility determination in future contracts.

COMMERCIALLY USEFUL FUNCTION

DBEs are required to perform a commercially useful function (CUF). CUF refers to those services the DBE is certified to perform. Certified services for each DBE are listed in the online DBE Directory. It is a DBE's responsibility to immediately notify the prime contractor in writing if the DBE is unable to perform a CUF or the services indicated on Form C.

The contractor must certify that DBEs working on the prime's contract are performing a commercially useful function. Submit SFN 60597, DBE Performance – Commercially Useful Function Certification to the project engineer with SFN 5682, Prime Contractor's Request to Sublet. Project engineers will not approve the Requests to Sublet without the CUF Certification. A review of the certification must be performed by the project engineer to determine whether the contract dollar value of the DBE's work may be counted toward the project goal.

The Department counts participation to a DBE contractor toward DBE goals only if the DBE is performing a CUF on that contract.

- A. A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installation and paying for the material itself. 49 CFR § 26.55(c)(1)
- B. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. 49 CFR § 26.55(c)(2)
- C. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, the Department must presume that it is not performing a CUF. 49 CFR § 26.55(c)(3)
- D. When a DBE is presumed not to be performing a CUF as provided in paragraph C (above), the DBE may present evidence to rebut this presumption. 49 CFR § 26.55(c)(4)
- E. The Department's decisions on CUF matters are subject to review by Federal Highway Administration, but are not administratively appealable to USDOT. 49 CFR § 26.55(c)(5)

COUNTING RACE/GENDER CONSCIOUS DBE PARTICIPATION - 49 CFR § 26.55

The Department does not count the participation of a DBE subcontractor toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE. 49 CFR § 26.55 (h)

The Department will count DBE participation toward our overall annual goal as provided in 49 CFR § 26.55 as noted below.

1. The Department will use the following factors in counting DBE trucking participation.
 - A. For purposes of this section, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE. 49 § 26.55(d)(7)
 - B. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract. 49 CFR § 26.55(d)(1)
 - C. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract and receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it

employs. 49 CFR § 26.55(d)(2-3)

- D. The DBE may lease trucks and drivers from another DBE firm and receives credit for the total value of the transportation services the lessee DBE provides. 49 CFR § 26.55(d)(4)
- E. The DBE may also lease trucks with drivers and is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the services under items 1C and 1D. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement. 49 CFR § 26.55(d)(5)

Example to 1D: DBE Firm X uses two of its own trucks on a contract. It leases two trucks with drivers from DBE Firm Y and six trucks **with drivers** from non-DBE Firm Z. DBE credit would be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. DBE credit could be awarded only for the fees or commissions pertaining to the remaining trucks Firm X receives as a result of the lease with Firm Z.

- F. The DBE may lease trucks without drivers from a non-DBE truck leasing company and if the DBE uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.

Example to paragraph 1F: DBE Firm X uses two of its own trucks and drivers on a contract. It leases two additional trucks and drivers from non-DBE Firm Z. Firm X uses its own employees to drive the trucks leased from Firm Z. DBE credit would be awarded for the total value of the transportation services provided by all four trucks. 49 § 26.55(d)(6)

- 2. Only the value of the work actually performed by the DBE counts toward the project goal when a DBE participates in a contract provided the DBE is certified in this work.
 - A. The Department counts the entire amount of that portion of a construction contract, or other contract not covered by item 2. B, that is performed by the DBE's own forces. Included are the cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate). 49 CFR § 26.55 (a)(1)
 - B. The Department counts the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service for which they are certified, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, toward DBE goals, if the Department determines the fee to be reasonable and not excessive. 49 CFR § 26.55 (a)(2)
 - C. When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is also a DBE. 49 CFR § 26.55 (a)(3)
- 3. The Department counts expenditures with DBEs for materials or supplies toward DBE goals as provided in the following:
 - A. If the materials or supplies are obtained from a DBE manufacturer, count 100% of the cost of the materials or supplies toward DBE goals. 49 CFR § 26.55 (e)(1)(i)
 - B. If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals. 49 CFR § 26.55 (e)(2)(i)
 - C. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of 3B (above) 49 CFR § 26.55 (e) (2) (ii) (C)

- D. With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, if the Department determines the fees to be reasonable and not excessive. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals, however. 49 CFR § 26.55 (e) (3)
 - E. The Department determines the amount of credit awarded to a firm for the provisions of materials and supplies (e.g., whether a firm is acting as a regular dealer or a transaction expeditor) on a contract-by-contract basis. 49 CFR § 26.55 (e)(4)
- 4. If a firm is not currently certified in ND at the time of the execution of the contract, the Department does not count the firm's participation toward any DBE goal. 49 CFR § 26.55 (f)
 - 5. The Department does not count the dollar value of work performed under a contract with a firm after it has ceased to be certified toward the Department's overall annual goal. 49 CFR § 26.55 (g)

DEFINITIONS

The definitions specified below apply only to this Special Provision and may contain differences from NDDOT Standard Specifications.

Achievement means any DBE certified service dollar amount committed to at the time of award. Any achievement must be supported by a request to sublet and Monthly DBE Payment Records for each DBE.

Aggregate providers are considered subcontractors rather than regular dealers/suppliers, regardless of the amount of their quote.

Apparent low bidder (ALB) means the bidder whose bid is read as low bid at the bid opening.

Bid differential means written documentation provided by the low bidder comparing a Non-DBE quote to a DBE quote.

Bid Opening Sign-In System means the Department's online system to which all prime contractors and subcontractors must register to indicate their interest in quoting or bidding prior to each bid opening.

Bidder/prime contractor means bidders who are submitting proposals on this project, regardless of the size of the highway construction projects; a contractor intending to serve as the prime contractor.

Blanket quote means when a business provides the same quote, for all projects, at a bid opening, using the same price, at one rate, not project specific. Blanket quotes for the construction season are not allowed, i.e. trucking, striping, signing, construction supplies, etc.

Commercially Useful Function describes a DBE's responsibilities and involvement in a project, see section Commercially Useful Function of this SP.

Commitment means the dollar amount of work the DBE will complete according to the bidder's submitted proposal.

Contractor means all DBE and Non-DBE firms, including prime contractors, subcontractors (under/over \$500,000), brokers, vendors, regular dealers/suppliers, and manufacturers at any tier.

DBE Goal means a percentage of the total contract targeted for the hiring of DBE subcontractors to do specific bid items for which the DBE has been certified to perform. Project goals are set by assessing the project's bid items, location, whether DBEs are available to do the work.

DBE Participation means the percentage achieved when the dollar amount committed to the DBE is divided by the dollar amount of all contract items.

DBE Participation Review summarizes the prime's participation at the time of award. A replacement approval request must be submitted to substitute a firm for any DBEs reported as being used at the time of award.

Department means the project owner regardless of whether the owner is NDDOT, a city or a county

project.

Disadvantaged business enterprise or DBE means a for-profit small business concern that is certified by the Department and listed in the DBE Directory available on the Department's web site. DBEs must first be certified in the work intended before any DBE achievement may be counted toward the project goal.

Equipment supplier is a firm which provides equipment for sale or lease, without operators, and whose primary business function is equipment sales or leasing.

Good Faith Efforts (GFE) means efforts made by the prime contractor to achieve a DBE goal. This includes but is not limited to providing assistance to DBEs in preparing their quotes, advertise, sign in, etc.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. 49 CFR § 26.55 (e) (1) (ii)

Materials means aggregate, steel, petroleum products, concrete, asphalt, and other construction supplies.

NAICS Codes means industry codes assigned by North American Industry Classification System. When certified, DBE businesses are assigned NAICS codes which are identified in the DBE Directory.

NDDOT Civil Rights Certification & Compliance System (CRCCS) refers to the online compliance reporting system whereby contractors report/submit job related payments, commitments, and Utilization Plan documentation.

Non-DBE means a contractor, subcontractor, supplier (broker or regular dealer), vendor, or manufacturer that has not been certified as a DBE by the NDDOT Uniform Certification Program.

Non-DBE used in bid differential (Non-DBE/BD) means a Non-DBE which, at the time of award, was approved for use due to a price comparison with a DBE. A Form C with the Non-DBE/BD is included in the DBE Participation Review documentation. A replacement approval request must be submitted when the Non-DBE/BD is unable to complete the work.

Positive Contact means active and documented solicitation of DBE and other subcontractors. Advertising the prime's intention to bid or contacting individual DBEs is deemed a positive contact.

Project owner means any political subdivision such as a city or county which provides match to federal highway funds and uses NDDOT's electronic bidding system to let their projects to bid. The Department "owns" state projects.

Quoter means a DBE or a Non-DBE subcontractor (under/over \$500,000), brokers, vendors, regular dealers/suppliers, and manufacturers at any tier who submits quotes to another contractor.

Race/Gender Conscious (RGC) goals are those focused specifically on assisting DBEs. The RGC portion of NDDOT's 2016 overall 6.22 percent DBE goal is 2.75 percent.

Responsible Bid Proposal means a bidder's proposal in which the project goal has been achieved, or the bidder demonstrates Good Faith Efforts (GFE) as outlined in this Special Provision.

Subcontractor means any firm intending to perform work, or intending to perform work and supply the materials, which were intended for their work on the project. All subcontractors must attach a list of DBE subcontractors intended for use to their quote when submitting it to the prime contractor.

Subcontractor quoting over \$500,000 means a subcontractor whose quote is over \$500,000 on any project and who is not a supplier, broker, vendor, regular dealer, or manufacturer. All aggregate providers are considered subcontractors, regardless of the amount of their quote.

Supplier means a party providing goods, services, and supplies on the project.

Broker means an agent who, without having custody of the property, a) negotiates contracts of purchase, work, lease, or sale; b) buys and sells goods; or c) negotiates between buyers and sellers. See Counting DBE Participation section.

Regular Dealer means a DBE firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. See Counting DBE

Participation section.

Tier means various levels of contractors on the job. For example a prime contractor's subcontractor (B) is referred to as the second tier. When B subcontracts with C, C becomes the third tier, etc.

Tied quote means the quote will be considered only if all of the bid items are included.

Untied quote means that any item or group of items quoted may be used for price noted on the quote whether one or all are used.

Utilization Plan is the prime's documented plan to achieve DBE participation on a given project.

Download approved form needed at: <http://www.dot.nd.gov/forms/SFN52750.pdf>

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION (RGC)

North Dakota Department of Transportation, Civil Rights Division
 SFN 52750 (Rev. 01-2015)

FORM A

Revision Date

Contractor		Phone
Job No.	Project No.	Bid Opening Date

NOTE: This revised Form A represents a change in the bidders original Form A which was submitted electronically at the time of bid. Nevertheless, the bidder is bound by the proposal submitted at the time of bid, under NDDOT provisions, and thus the bidders proposal, the hard copy proposal, addenda, plans, standard specifications, supplemental specifications, and special provisions are part of the bid and contract.

For the life of the project, any changes in work listed here to be self-performed, to be performed by a DBE, or to be completed by a non-DBE subcontractor approved at the time of award must be approved in writing by the Civil Rights Division prior to commencement of any work. No payment will be made without written approval.

PRINT ALL NUMBERS CLEARLY AND LEGIBLY.

LIST ALL DBE FIRMS WHO QUOTED YOUR FIRM ON THIS PROJECT, SECTION 1, SECTION 2, and/or SECTION 3.

Section 1.

List **DBE** firms to be used on the project.

- List DBE Firms to be used by the bidder toward the projects total achievement.
- List the DBEs to be used by subcontractors toward the project goal.
 - Include the subcontractor's name and list the DBE to be used by the subcontractor.
- List the spec & code item numbers to be performed by DBEs and the total dollar value of the contract.
 - Note whether the DBE firms to be used on only a portion of a spec & code item (supply, haul, place, etc.) and state the reason why the DBE is not performing for the entire item.
 - State the name of the contractor that will perform the remaining portion.
- DBE bidder must be performed with "own forces and equipment."
 - Separately list any work to be subcontracted to DBEs and any materials to be purchased from DBEs.

DBE Firm	
List Specific Spec & Code Item Numbers or Products to be Supplied	Total Contract Dollar Value
Percent DBE will do with own equipment/forces=	%
Percent Non-DBE trucker will perform	= % If Regular Dealer, X 60% =

DBE Firm	
List Specific Spec & Code Item Numbers or Products to be Supplied	Total Contract Dollar Value
Percent DBE will do with own equipment/forces=	%
Percent Non-DBE trucker will perform	= % If Regular Dealer, X 60% =

DBE Firm	
List Specific Spec & Code Item Numbers or Products to be Supplied	Total Contract Dollar Value
Percent DBE will do with own equipment/forces=	%
Percent Non-DBE trucker will perform	= % If Regular Dealer, X 60% =

Continued

Download approved form at: <http://www.dot.nd.gov/forms/SFN52013.pdf>

FORM A (continued)

DBE Firm	
List Specific Spec & Code Item Numbers or Products to be Supplied	Total Contract Dollar Value
Percent DBE will do with own equipment/forces=	%
Percent Non-DBE trucker will perform =	% If Regular Dealer, X 60% =

DBE Firm	
List Specific Spec & Code Item Numbers or Products to be Supplied	Total Contract Dollar Value
Percent DBE will do with own equipment/forces=	%
Percent Non-DBE trucker will perform =	% If Regular Dealer, X 60% =

Section 2:

List DBE firms not used because the bidder will self-perform. Bidder must procure specific spec & code item numbers.

DBE Firms not used; Bidder Self-Performing	Spec & code item numbers or products to be supplied by bidder
1.	
2.	
3.	
4.	

Section 3.

List DBE firms not used due to bid differential and indicate which firm will be performing the work instead.

DBE Firms not used, bid differential	Firms to be used instead of DBE
DBE Firm	

See DBE Race/Gender Special Provision for additional information.

Email this form to Subquotes@nd.gov or Fax to (701)328-0343

Download approved form at: <http://www.dot.nd.gov/forms/SFN52013.pdf>

LIST OF BUSINESSES THAT SUBMITTED QUOTES (RGN & RGC)

North Dakota Department of Transportation, Civil Rights Division
 SFN 52013 (Rev. 01-2016)

Page 1 of _____

**FORM B
 DUE BY 4 P.M. (CENTRAL) 7 CALENDAR DAYS AFTER THE BID OPENING**

All bidders must submit one of the following by email to Subquotes@nd.gov or by fax to (701)328-0343.

1. Copies of all quotes received from all tiers of subcontracting on the project.
 - Prime contractors intending to use DBEs quoting to subcontractors must supply the subcontractor's Form A and Form B; and identify the subcontractors intended for use.
2. Form B, SFN 52013: List all firms that submitted quotes from all tiers of subcontracting.
 - At the same time, bidders must supply subcontractor's Form As received with subcontractor quotes and use the check box to indicate which subcontractor will be used on the job.
 When submitting Form B, copies of all DBE and non-DBE quotes must be retained until the project is awarded.

<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted
<input type="checkbox"/>	Business	Contact Person	Telephone Number
	Mailing or Email Address		Spec & Code Quoted

Use additional pages, following the same format, if necessary.

Download approved form at: <http://www.dot.nd.gov/forms/SFN52160.pdf>

NOTIFICATION OF INTENT TO USE (RGN & RGC)

North Dakota Department of Transportation, Civil Rights
 SFN 52160 (Rev. 01-2016)

FORM C - DUE BY 4 P.M. 7 WORKING DAYS AFTER THE BID OPENING

1. The apparent low bidder shall submit an individual Form C for each DBE (or approved Non-DBE) to be used on the project to subquotes@nd.gov or fax to (701)328-0343.
2. The contractor and DBE shall both sign the form. Faxed or photocopied signatures are acceptable. Form C applies to all tiers of subcontractors for DBE achievement credit to be given.
3. If Form C contains additional pages or attachments, both parties must sign each page or attachment.
4. Explain any difference between the information on Form A and Form C in the comments section below.

This form is not a contract and does not take the place of any contract. This form indicates to the NDDOT that all DBEs listed on Form A will be used on the project.

Prime Contractor or Subcontractor			Project Number			
Intended DBE/ Non-DBE			Bid Opening Date			
	Spec & Code #	Work Description	(DBE) Percent of work to be done with own force	Apprx Quant	Unit Costs	Amount
<input checked="" type="checkbox"/>						
ADD EXPENSE						
					Total:	\$0.00
Are there any agreements not stated in your contract? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain:						
Comments: Use this space to explain any differences between the amounts, units, work descriptions, spec/code items, quantities, and totals between those indicated on Form A submitted with the bid proposal and this Form C.						
Prime Contractor/Subcontractor Signature			Title		Date	
Intended DBE/Non-DBE Signature			Title		Date	

Download approved form at: <http://www.dot.nd.gov/forms/SFN60829.pdf>

CONTRACTOR GOOD FAITH EFFORTS DOCUMENTATION

Page 1 of 3

North Dakota Department of Transportation, Civil Rights Division
 SFN 60829 (Rev. 10-2015)

Submit this form and the required attachments to document the contractor's good faith efforts to meet the project goal. All supporting documentation and evidence of good faith efforts must be clearly labeled and submitted as specified in PART A through Part I. Submit by email to Subquotes@nd.gov or by fax at (701)328-0343 by the deadlines within 7 calendar days of the bid opening.

PART A - PRIME CONTRACTOR INFORMATION

Prime Contractor			
Address		City	State ZIP Code
Telephone Number	FAX Number	Email Address	
Contact Person		Title	

PART B - PROJECT DESCRIPTION

Bid Opening Date	Job Number	PCN	Project Number
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PART C - CONTRACTOR PARTICIPATION ACHIEVEMENT DATA

Project DBE Goal Percent	Total DBE PARTICIPATION DOLLARS to meet DBE GOAL (Total prime Bid dollar amount X % Goal)
Contractor's DBE Participation Percent	

PART D - PROJECT SUMMARY AMOUNTS

1. Total Prime Bid	\$	
2. Total Dollars Committed to DBEs - include DBEs (From Part E line 13)	\$	0.00
3. Total Dollars Committed to DBEs (From Part F line 24)	\$	0.00
4. Total DBE Supplier Dollars Committed (Total committed to DBE suppliers)	\$	
5. Work to be Performed by Prime (Add Part D lines 2, 3, and 4)	\$	0.00
6. Percent of Work Performed by Prime (Divide Part D line 5 by Part D line 1)		0.00 %
7. Total DBE Participation (Add Part D lines 2 and 4)	\$	0.00

PART E - DBE COMMITMENTS Attach additional sheet if necessary.

COMMITTED DOLLARS	DBEs WITH A COMPLETED FORM C to be used on the project	SPEC/CODES QUOTED
8. \$		
9. \$		
10. \$		
11. \$		
12. \$		
13. \$ 0.00	Total Dollars committed to DBEs	

SFN 60829 (10-2015)

Page 2 of 3

PART F - NON-DBE COMMITMENTS Attach additional sheet if necessary.

COMMITTED DOLLARS	ALL NON-DBE SUBCONTRACTORS, TRUCKERS, MATERIALS/SUPPLIERS & OTHER SERVICES PROVIDERS to be used on the project	SPEC/CODES QUOTED
14.\$		
15.\$		
16.\$		
17.\$		
18.\$		
19.\$		
20.\$		
21.\$		
22.\$		
23.\$		
24.\$	0.00 Total Dollars committed to non-DBE firms	

PART G - DBEs QUOTED BUT NOT SELECTED Attach additional sheet if necessary.

QUOTED DOLLARS	DBEs QUOTED, BUT NOT SELECTED	SPEC/CODES QUOTED	REASON NOT SELECTED
25.\$			
26.\$			
27.\$			
28.\$			
29.\$			
30.\$			

PART H - REQUIRED ATTACHMENTS - SUPPORTING DOCUMENTS

Submit complete documentation to support SFN 60829 as instructed on page 3.

PART I - CERTIFICATION

Prime Contractor Signature	Title	Date Submitted
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Download approved form needed at: <http://www.dot.nd.gov/forms/SFN60829.pdf>

SFN 60829 (10-2015)

Page 3 of 3

PART H - SUPPORTING DOCUMENTS:

1. Use a cover letter to recount the relevant issues which your firm wants NDDOT to consider in determining whether to award.
2. Explain the efforts your firm made in attempting to meet the project DBE goal.
 - a. Did your firm ask subcontractor to obtain DBE participation as a lower tier subcontractor, and what was the outcome of these efforts?
 - b. Did your firm use the DBE Directory located at: <https://dotnd.diversitycompliance.com/> to identify DBEs certified in the work being used to meet the goal?
 - c. Did your firm review the plans to determine whether DBE participation was available in other areas of work on the project?
3. On a separate sheet, provide a copy of any solicitation email or fax used to gather additional participation after the time of bid.
 - a. Another format may be used provided all information requested is included.
 - b. Include the following information (see below on a separate sheet).

DBE Firm Contacted	Person Contacted	Date & Time Contacted	Prime Contractor Name	Specific Responses, Number of Contacts

4. Provide written Bid Differential - Apples to Apples Comparison - like items must be compared to like items
 - a. If a non-DBE was selected over a DBE, provide the rates compared, detailed comparison between the specific spec/code items quoted by the non-DBE and the DBE and the specific reasons for your selection.
 - b. If the prime contractor intends to self-perform the work quoted by a DBE, provide a Detailed comparison between the prime's costs for the specific spec/code item quoted by the DBE along with an explanation of the method of valuation of the prime's costs.
 - c. Another format may be used provided all information requested is included.

BID DIFFERENTIAL ANALYSIS EXAMPLE					DBE XYZ Contracting	Non-DBE ABC Construction	Prime General Construction			
Spec No.	Code No.	Description	Units	Quantity	Unit Price	DBE Quoted Price	Non-DBE Quoted Price	Self-Performed Price	Percentage Difference	Dollar Difference
202	0112	REMOVAL OF CONCRETE	SY	838						
202	0119	SAW CONCRETE	LF	54						
203	0101	COMMON EXCAVATION-TYPE A	CY	107,262						
203	0108	TOPSOIL-BORROW AREA	CY	31,269						
203	0109	TOPSOIL	CY	83,126						
TOTALS										