INSTRUCTIONS FOR COMPLETING
MBE-WBE-SDVOB GOOD FAITH EFFORT LOG SHEET
Subconsultant Participation Solicitation

(rev. 6-22-16)

For Architectural/Engineering Procurements Only

To be deemed responsive to a solicitation, Consultants whose proposed Minority Owned Business Enterprise (MBE), Women Owned Business Enterprise (WBE) and Service-Disabled Veteran-Owned Businesses (SDVOB) participation do not meet the established participation goals for this consultant opportunity must document and report their Good Faith Efforts (GFE) to solicit participation from certified MBEs, certified WBEs and/or certified SDVOB subconsultants for the contract opportunity. The M-W-SDVOB Good Faith Effort Log Sheet (GFE Log Sheet) is used for this purpose (https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions, look under the CIVIL RIGHTS heading).

PLEASE NOTE: Only participation by certified MBEs, WBE and/or SDVOB prime consultants and/or subconsultants may count towards the stated respective MBE, WBE and SDVOB contract participation goals. The contract participation goal for SDVOB firms is separate from, and in addition to contract participation goals for MBE and/or WBE firms.

Guidance concerning Good Faith Efforts in meeting MBE, WBE and SDVOB participation goals through the utilization of subconsultants in state-funded contracts is provided at the end of this document.

In order for a proposal to be determined as responsive when the MBE, WBE and SDVOB participation goals are not fully attained or are only partially attained, the prospective prime consultant must complete all sections of the Log. Separate GFE Log Sheets are to be submitted for each of the goals not fully attained.

The Logs are to be filled out and submitted with the proposing firm’s Expression of Interest (EOI). Additionally, the firm must also submit a MBE/WBE/SDVOB Goal Attainment Explanation Letter, explaining the firm’s Good Faith Efforts and why any stated participation goal was not attained. Scan the GFE Log Sheets, the Explanation Letter and the Utilization Plan and upload/transmit those items with the CONR 386, Workload and Last Designation document.

*** MBE and WBE and SDVOB Programs are New York State Programs. ***

THEY ARE SEPARATE AND DISTINCT FROM THE FEDERAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) CERTIFICATION PROGRAM. PLEASE DO NOT CONFUSE THE VARIOUS PROGRAMS. FIRMS WITH QUESTIONS REGARDING THESE PROGRAMS ARE ENCOURAGED TO SUBMIT WRITTEN QUESTIONS

CONTRACT NO: Enter NYSDOT contract number (Example: D012345) for the consultant opportunity.

ADVERTISED PARTICIPATION GOALS: Enter applicable MBE and WBE and SDVOB participation goal percentages as stated in the procurement documents (NYS Contract Reporter and NYSDOT web RFP/advertisement procurement documents.

PAGE NO.: Enter 1 of 1; 1 of 2 and 2 of 2; etc. Use additional pages as needed.

PRIME NAME/ADDRESS/ZIP CODE: Enter Prime Consultant’s legal name, mailing address and zip code.

CONTACT PERSON: Enter the name and title of the person the firm has designated as the authorized contact for the solicitation.
CONTACT PERSON TELEPHONE AND E-MAIL: Enter area code, phone number and e-mail address for the person the firm has designated as the authorized contact person for the solicitation.

MBE/WBE/SDVOB CONSULTANTS SOLICITED:

SOLICITED COMPANY NAME AND CONTACT PERSON: Enter name of solicited firms and name of the individual associated with the firms to whom the solicitation inquiry was sent.

TELEPHONE (With Area Code): Enter TELEPHONE number of the solicited firm.

CERTIFICATION TYPE: Enter the NYS program the prospective consultant is certified under (MBE or WBE or SDVOB).

WORK TYPE(S) BEING SOLICITED: Enter the NAICS Work Type(s) or Commercial Useful Function for which this firm has been solicited in connection with the Scope of Services for this contract. NOTE: Work type codes are provided for every certified firm listed in NYS Empire State Developments MBE/WBE registry and NYS Office of General Services SDVOB registry. See below for links to those registries.

MWBE Registry: https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp

SDVOB Registry: http://www.ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf

TYPES AND DATES OF CONTACT: Enter dates on which your firm contacted the solicited firm, either by mail (date solicitation sent), telephone (including date and time of call) or other person-to-person contacts. Identify the type of contact by prefacing each date with ‘M” if a mail contact; “T” if a telephone call; and “D” if a direct meeting with the firm.

CONTACT RESULT(S): Enter the codes that best indicate the results of your solicitation efforts.

A description of the codes to use is as follows:

CODE DESCRIPTION:

1. This firm is unavailable to participate in the contract for the reason(s) stated on the MBE/ WBE/SDVOB Participation Solicitation response. (Attach explanation to the Log.)

2. This firm is no longer in business. (NOTE: If this action is checked, attach your explanation as to why the solicitation was sent to the firm and how evidence that it was no longer in business was obtained. Attach the returned envelope showing that it was undeliverable, for instance.

3. The soliciting Prime Consultant was unable to reach this firm after having a telephone conversation to follow-up on the MBE and/or WBE and/or SDVOB participation solicitation inquiry. (NOTE: Indicate in the Types and Dates of Contact column the dates and times at which follow-up was attempted.)

4. This firm did not respond to repeated telephone messages. (NOTE: Indicate in the Types and Dates of Contact column the dates and times at which messages were left).

*** USE ADDITIONAL PAGES AS NEEDED ***
Guidance Concerning Good Faith Efforts

The following is a list of types of actions that demonstrate good faith efforts in soliciting MBE/WBE/SDVOB participation on state-funded contracts. This list is not exclusive or exhaustive. The bidder must show that it took all necessary and reasonable steps to achieve advertised MBE/WBE/SDVOB goals which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/WBE/SDVOB participation, even if they were not fully successful.

- Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, utilizing the Empire State Development Corporation MBE/WBE Directory- https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687 and NYS Office of General Services’ Division of Service-Disabled Veterans’ Business Development directory of Service-Disabled Veteran-Owned Businesses- http://www.ogs.ny.gov/Core/SDVOBA.asp , etc.) soliciting the interest of all certified MBE/WBE/SDVOBs who have the capability to perform the work included in the contract. The bidder must solicit this interest allowing sufficient time for prospective MBE/WBE/SDVOBs to respond to the solicitation. The bidder must determine with certainty if the MBE/WBE/SDVOBs are interested by taking appropriate steps to follow up initial solicitations.

- Selecting portions of the work to be performed by MBE/WBE/SDVOBs in order to increase the likelihood that the MBE/WBE/SDVOB goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE/WBE/SDVOB participation, even when the prime bidder might otherwise prefer to perform these work items with its own forces.

- Providing interested MBE/WBE/SDVOBs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

- With respect to negotiating in good faith with interested MBE/WBE/SDVOBs, it is the prime consultant’s responsibility to make a portion of the work available to MBE/WBE/SDVOB subconsultants, subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE/WBE/SDVOB subconsultants, subcontractors and suppliers, so as to facilitate MBE/WBE/SDVOB participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBE/WBE/SDVOBs 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 MBE/WBE/SDVOBs to perform the work.

- A bidder using good business judgment should consider a number of factors in negotiating with subcontractors, including MBE/WBE/SDVOB subconsultants, and would take a firm’s capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding a MBE/WBE/SDVOB is not in itself sufficient reason for failure to meet the contract MBE/WBE/SDVOB goals. Also, the ability or desire to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts.

- Do not reject MBE/WBE/SDVOB firms as being unqualified without sound reasons based on a thorough investigation of their capabilities. The consultant’s standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the consultant’s efforts to meet the project participation goals.

- Making efforts to assist interested MBE/WBE/SDVOBs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.