

## Script 2-5 - PS/PGS Notify CDOT PE/PM of GFE Review

### Responsible Parties

CDOT Civil Rights and Business Resource Center

### Revision Date

06/2022

### Procedure

Master Contract Good Faith Effort Requirement. The Master Contract will not be approved by CDOT until the Consultant documents sufficient Commitments to meet the Contract Goal or demonstrates Good Faith Efforts to meet the Contract Goal even though it did not succeed in obtaining sufficient Commitments to do so.

The CRBRC will send an email to the CDOT PE/PM and let them know the Prime Consultant did not meet the DBE goal on the Master Contract.

Internal Sample Email Notification of Pending GFE:

To: PE/PM

Re: Master Contract # 32100xxxx

Cc: Pehle Colletta, Cardon Brandt, Jim Walker - Engineering Contracts unit, Civil Rights unit

(Prime Consultant name) did not meet the DBE goal on project (name of project). The DBE goal is \_%. (Prime Consultant name) states they can only reach a \_% DBE goal. The firm has submitted a Good Faith Efforts form with documentation and it will be reviewed through the GFE process.

You will be notified once the decision has been made to reject or approve the GFE.

Once the email is sent, keep a record of it.

GFE Review

See Script 2-4 for GFE Review Process

Reviewer (CRBRC DBE Manager) will analyze the CDOT Affidavit of Small Business Participation form and Proposal to determine the project goal, the total bid amount, and the DBE commitments (if any) made by the bidder at the time of bid.

The bidder's Good Faith Efforts will be in accordance with Appendix A of 49 CFR Part 26.

Note: Staff may request additional information from the bidder, project personnel or any other stakeholders if relevant and important to the analysis. The analysis must be in writing and provided to the bidder in the event of an adverse GFE determination.

If it is determined that the bidder made Good Faith Efforts, the Utilization Plan and award will continue in the approval process (with new DBE goal, if applicable).

If it is determined that the firm did not make Good Faith Efforts, the reviewer will provide written notice (including the analysis) via email to the bidder, along with the process for requesting administrative reconsideration with the Chief Engineer. The Chief Engineer (and assistant), Region Civil Rights Office, Engineering Contracts, and Engineers overseeing the contract should be included in the notice.

Note: The bidder will have 5 business days to request administrative reconsideration.

Internal Sample Email Notification of GFE Result

To: PE/PM

Re: Master Contract # 32100xxxx

Cc: Pehle Colletta, Cardon Brandt, Jim Walker - Engineering Contracts unit, Civil Rights unit

(Prime Consultant name) did not meet the DBE goal on project (name of project). The DBE goal is \_%. (Prime Consultant name) states they can only reach a \_% DBE goal. The firm has submitted a Good Faith Efforts form with documentation and it will be reviewed through the GFE process.

This firm went through the Good Faith Efforts process and the GFE was approved.

This firm went through the Good Faith Efforts process and the GFE was not approved. Please contact (Prime Consultant name) and let them know of the determination. The awarded prime will need to meet the DBE goal or the contract will not be awarded.

Once the email is sent, keep a record of it with the project files along with any other documentation regarding the GFE.