



**Department of the Environment**

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# **DBE Implementation in Maryland**

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# DBE SIX GOOD FAITH EFFORTS

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**Step 1: Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable.**

**Step 2: Establish delivery schedules & allow a 30-day minimum advertising period for bidding.**

**Step 3: Divide total requirements into small tasks to permit maximum participation of DBEs.**

**Step 4: Encourage contracting with DBE consortiums.**

**Step 5: Using the services DOTs, SBA, and MBDA**

**Step 6: Require prime contractor to take the steps 1-5**





# MWQFA DBE GUIDANCE

**Good Faith Efforts 1 & 5, can be achieved by recipients & sub-recipients by doing the following:**

- **Develop a bidders list of qualified DBE firms.**
- **Contact and gather information from different resources to develop bidders list such as:**
  - **U.S. Small Business Administration (USBA)**
  - **Minority Business Development Agency (MBDA) of the US Department of Commerce**
  - **Maryland Department of Transportation (MDOT)**
- **Have the bidders list available throughout the project's construction period**
- **Advertise in local and regional papers and in the Dodge report, etc.,**





# MWQFA DBE GUIDANCE

**Good Faith Efforts 2, 3 & 4 can be achieved by recipients & sub-recipients by doing the following:**

- **Conduct pre-bid meetings to inform potential bidders and contractors about DBE requirements.**
- **Invite DBE firms to meetings, workshops, conferences etc., and inform them of procurement opportunities.**
- **Post solicitation for bids for a minimum of 30 calendar days before the bid/proposal closing date.**
- **Break down project into smaller components/contracts (e.g., painting, roofing, excavation, pipe laying, etc.,) and ensure that the delivery schedules are reasonable.**
- **Encourage DBE firms, where appropriate, to apply as a consortium of DBEs, when a contract is too large for one of these firms to handle individually.**





# MWQFA DBE GUIDANCE

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**Good Faith Effort 6 can be achieved by recipients & sub-recipients by requiring and including “State Insert/Requirements and Contract Provisions,” in all bidding documents.**

## **Efforts and Goals**

- **Use State Departments of Transportation goals if possible**
- **Achieving goals without efforts does not demonstrate compliance.**
- **Demonstrating efforts without achieving goals does demonstrate compliance**





# MWQFA DBE GUIDANCE

## A: Develop Bidders List of DBE firms

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| A1 | Did you develop a Bidders List of DBE firms?                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A2 | Did you advertise in minority, local, regional papers or Dodge Report? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A3 | Did you send invitation for bids to DBE trade associations?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A4 | Did you contact US-SBA/MBDA/MDOT?                                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A5 | Did you provide Prime-Contractors with Bidders List?                   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A6 | Did you provide MDE with Bidders List?                                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

## B: Smaller work components and delivery schedules

- |    |   |                              |                             |
|----|---|------------------------------|-----------------------------|
| B1 | Did DBE firms have opportunity to bid as prime contractors?                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B2 | Did you break down the project, where economically feasible, into smaller components? |                              |                             |
|    | o For DBE firms to bid as prime contractor  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|    | o For DBE firms to bid as sub-contactors  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B3 | Do project components have reasonable delivery schedules?                             | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B4 | Did you allow a minimum of 30 days for bidding?                                       | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B4 | Did you encourage DBEs to bid as consortium because of project size?                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

## C: Require prime contractor to Good Faith Efforts

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| C1 | Did you include the “MDE Insert” in the bidding documents?             | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| C2 | Did you require the prime contractors to apply the good faith efforts? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| C3 | Is DBE a “responsiveness/responsible” criteria in bid documents?       | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

## D: Solicitation Summary of DBE firms *(Use Attachment 1 each contract)*

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| D1 | Did you use the Bidders List to solicit prime contractors? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D2 | Did DBE firms bid as prime contractors?                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D3 | Did you select any DBE firms as prime contractor?          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D4 | Is the prime contractor using any subcontractors?          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |





# MWQFA DBE RESULTS

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- **Significant compliance with demonstrating the six good faith efforts in Maryland**
- **Mixed results on goal achievement**
- **Concerns that system could be manipulated**
- **Demonstration of efforts only true way to compliance, regardless of goal achievement**
- **State-wide outreach to continue**





# MWQFA DBE GUIDANCE

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## Questions\Issues\Discussion

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