

GOOD FAITH EFFORT DOCUMENTATION CHECKLIST

When submitting a request for a waiver of goals, the following documentation showing the grantee's good faith effort to utilize minority and women business enterprises (MBE/WBE) **must** be included:

- 1) All information indicating why the specified goal cannot be met.
- 2) A list of all MBE/WBE firms the grantee has used in the current and prior fiscal years, if available. The fiscal year runs from July 1 until June 30.
- 3) A list of all certified MBE/WBE firms eligible to perform the work, if available. Only certified eligible firms identified by The Commission on Equity & Inclusion's Business Enterprise Program will be accepted.
- 4) A clear determination that the number of certified MBE/WBE firms eligible to perform the work is insufficient to ensure adequate competition.
- 5) Demonstrated proof that the MBE/WBE firms' prices were excessive or unreasonable, if available.
- 6) A list of all MBE/WBE firms contacted, including documentation from those firms. Documentation shall include, when applicable:
 - a. A log of telephone contact including date and time of call, telephone number, name of person called, and the outcome of the call;
 - b. Copies of written or electronic email correspondence showing the date, postal or email address, name of person contacted, and subsequent correspondence that reflects the outcome.
- 7) Copies of all solicitation letters or electronic email correspondence to MBE/WBE firms. Letters shall contain, at a minimum:
 - a. Project title and location;
 - b. Classification of work items for which quotations are requested;
 - c. Date, time, and place quotations are due; and
 - d. Returnable acknowledgment of the solicitation.
- 8) All other evidence of good faith efforts made by the grantee to secure eligible MBE/WBE firms to meet the specified goal including documentation that demonstrates the following:
 - a. A reasonable number of MBE/WBE firms were contacted.
 - b. The work selected by the grantee for allocation to MBE/WBE firms was selected in order to increase the likelihood of achieving the specified goal.
 - c. The grantee negotiated, in good faith, with the potential MBE/WBE firms by not imposing any conditions which are not similarly imposed on all other subcontractors

- and suppliers, or by denying benefits ordinarily conferred on subcontractors or suppliers for the type of work for which bids were solicited, if available.
- d. The MBE/WBE firms were not rejected as being unqualified without sound reasons based on a thorough investigation of their capabilities, if available.
 - e. The grantee engaged with Fair Employment Practices (FEP) staff for assistance in its efforts to achieve the specified participation.
- 9) All actions taken to solicit MBE/WBE firms both pre-bid opening date and post-bid opening date.
- 10) A revised BEP Utilization Plan if the MBE/WBE participation increases.
- 11) Other relevant information in support of the waiver request.

FEP will consider all evidence of good faith efforts made by the grantee to secure eligible MBE/WBE firms to meet the specified goal, including, but not limited to, whether diligent efforts were made to identify and solicit eligible MBE/WBE businesses.