**Exhibit 9-E Sample Evaluation of Good Faith Efforts**

### M e m o r a n d u m

**To: PROJECT FILE** **Date:** Month XX, XXXX

Federal-Aid Project Number:

Bid Opening Date: Month XX, XXXX

Bidder: [Contractor/Consultant Name]

Type of Work: [General Description of Work]

Bid Amount: [$ Award Amount]

#### From: [Name of Agency]

####

**Subject:**  Evaluation of Good Faith Efforts

The [Name of Agency] established a Disadvantaged Business Enterprise (DBE) goal of XX percent for this contract. The bidder commits [count only qualifying DBE participation] XX percent DBE participation.

The [Name of Agency]’s evaluation of the apparent low bidder’s Good Faith Efforts is based on Section 9.9 of the Local Assistance Procedures Manual and Appendix A in Part 26 of Title 49 of the Code of Federal Regulations. The efforts of the bidder were reviewed by the [Name of Agency or department] from the information provided in Exhibit 15-H: Proposer/Contractor Good Faith Efforts signed and submitted by [Name of Low Bidder].

The [Name of Agency] determined that the Low Bidder [did or did not] demonstrate Good Faith Efforts to meet the DBE participation goal of this project for the reasons cited in this evaluation.

**EVALUATION**

1. **Items of work the bidder made available to DBE firms**

[Describe the work and approximate dollar amount, as a percentage of total work, made available to DBEs by the Low Bidder. If the bidder did not make enough work available to meet the goal, the bidder definitely did not make adequate efforts to meet the goal. The amount of work made available relative to the goal is generally positively correlated with the adequacy of the bidder’s Good Faith Efforts.]

[Did the Low Bidder separate the work into economically feasible units to facilitate DBE participation?]

1. **Solicitation effort documentation**

[Document the number of DBEs originally contacted by the Low Bidder and the dates and number of follow-up solicitations and determine if sufficient time was allowed for the DBEs to respond.]

[Document if the Low Bidder solicited through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices, etc.) to all certified DBEs who have the capability to perform the work of the contract?]

[Did the Low Bidder provide proof of the aforementioned items?]

[How many of the DBEs solicited are capable of performing the work identified in A? Use the California Unified Certification Program online database at: <https://dot.ca.gov/programs/business-and-economic-opportunity/dbe-search>

1. **Rejected DBE documentation**

[How many DBE quotes were accepted or rejected by the Low Bidder? Why were the quotes rejected?]

[Was/were quote(s) rejected when it was only marginally higher and could have substantially increased the DBE commitment or even allow it to meet the DBE goal?]

1. **Publication effort made to advertise the projects to include DBE participation**

[What publications were used and when to request DBE participation for this the project? Did the Low Bidder provide copies of publications?]

1. **Agencies, organizations, or groups contacted to provide assistance in contacting, recruiting and using DBEs**

[Did the Low Bidder contact other organizations for outreach to encourage DBE participation on the contract?]

1. **Efforts to provide information about the plans, specifications, and contract requirements**

[Did the Low Bidder provide contract information to interested DBEs and were these listed in their Good Faith Efforts?]

1. **Assistance with bonding, lines of credit, insurance, equipment, supplies, materials, and/or services**

[Did the Low Bidder provide references to the DBEs and were these listed in the GFE?]

1. **Additional data to support a demonstration of Good Faith Effort**

[Was any more information provided by the Low Bidder to demonstrate a Good Faith Effort?]

[Did the 2nd or 3rd low bidder meet the goal or get substantially more DBE commitment than the apparent low bidder? When an apparent low bidder fails to meet the goal and other bidders meet the goal, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent low bidder could have met the goal.]

**FINDING OF THE [NAME OF AGENCY]**

The [Name of Agency] finds that the Low Bidder [did or did not] demonstrate Good Faith Efforts to meet the DBE contract goal for the reasons cited in this evaluation.

Submitted by: Approved by:

 John Doe Jane Doe\*

 [Job Title] [Job Title]

\*Must be approved by someone other than the reviewer.