

FAQ – Solicitation with DBE Goal

Acronyms:

- DBE – Disadvantaged Business Enterprise Program
- LOI – Letter of Intent
- IFB – Invitation for Bid
- RFP – Request for Proposal
- GFE – Good Faith Efforts
- FAQ – Frequently Asked Questions

Q1: Where can bidders/proposers find Metropolitan Council projects to bid/propose on?

A1: Active solicitations can be found on the [Met Council's Contracting Opportunities website](#).

Q2: If there is an assigned DBE goal, is it optional for bidders/proposers to comply with?

A2: No – the DBE goal is not optional to comply with. The bidder/proposer must either meet the DBE numerical goal or provide documentation that demonstrates adequate Good Faith Efforts to meet the goal.

Q3: Who do I ask DBE questions to during a solicitation?

A3: All questions must be submitted in writing to the IFB/RFP Administrator.

Q4: What is the deadline for DBE questions during a solicitation?

A4: Each solicitation will specify a deadline for questions to be submitted.

“If any bidder/proposer contemplating submitting a bid/proposal is in doubt as to the true meaning of any part of the Scope of Work, or other IFB/RFP documents, or finds discrepancies in or omissions from the specifications, the bidder/proposer may submit to the IFB/RFP Administrator a written request for an interpretation or correction by (specified date). The bidder/proposer submitting the request will be responsible for its prompt delivery.”

Q5: Does a subcontractor have to complete all the same forms (Affirmative Action, etc.) as the prime bidder/proposer?

A5: No – not all the same forms will need to be completed. All subcontractors will be required to complete and submit a Conflict of Interest Disclosure. If the subcontractor is being used for DBE participation, they will need to sign and date the DBE Letter of Intent as well.

Q6: How does a bidder/proposer properly complete the DBE Commitment Form?

A6: For each of the DBE firms intended to be used for credit, the bidder/proposer must fill in the following fields:

- Bidder/Proposer Name
- Project Name
- DBE Goal
- DBE Name
- Description of Work
- Participating As
- DBE Bid Amount
- DBE Credit Amount
- DBE %

The bidder/proposer must also check a box and answer if any non-DBE subcontractors were selected over DBE subcontractors, calculate the Total Value, Total %, print their Name/Title/Phone and then sign and date the document. *See example below.*

00480 – DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMMITMENT FORM
(Must be completed, signed, and submitted with each bid)

Bidder Name	Project Name				DBE Goal
<u>Ryder Marshall Construction</u>	<u>Doghouse Expansion Project</u>				<u>15%</u>
DBE Name <small>(Legal business name used for certification)</small>	Description of Work	Participating As? <small>Prime, Subcontractor, Trucker, Supplier or Broker</small>	DBE Bid Amount	DBE Credit amount <small>dollar value</small>	DBE %
<u>Fido's Concrete Company</u>	<u>Concrete</u>	<u>Subcontractor</u>	<u>\$20,000</u>	<u>\$20,000</u>	<u>10%</u>
<u>Baxter's Electrical Supply</u>	<u>Electrical Supplier</u>	<u>Supplier</u>	<u>\$20,000</u>	<u>\$12,000</u>	<u>6%</u>
For purposes of award, bidder must demonstrate good faith efforts to meet the goal on the total bid or the base bid if the bid consists of base bid and allowances and or additives. Use copies of this form if additional space is needed to list committed DBEs.				Total Value <u>\$32,000</u>	Total % <u>16%</u>

Were any non-DBE subcontractors selected over DBE subcontractors (check one) YES NO
 (If you select "yes" or do not check a box and you do not meet the numeric goal, you must provide the quotes required by Section 4.1 in the 00480 – DBE Contract Requirements)

I have read the DBE requirements in Document 00480 Disadvantaged Business Enterprise (DBE) Contract Requirements. I further certify that the Bidder has made appropriate efforts to comply with the DBE requirements for this contract by making good faith efforts to meet the assigned DBE goal as specified in 00480 Disadvantaged Business Enterprise (DBE) Contract Requirements. I am authorized on behalf of the Bidder to submit this certification to the Council. This certification is a material representation of fact on which the Council may rely in awarding the contract.

Bidder Name / Title / Phone: Ryder Marshall / Owner / 999-999-9999

Bidder Signature: Ryder Marshall Date: 9/9/2022

[Contract Number]

Q7: How does a bidder/proposer properly complete the DBE Letter of Intent?

A7: A Letter of Intent must be completed for each DBE firm intended to be used for credit. The value and scope on the LOI must match the information provided on the Commitment Form. The bidder/proposer must fill in the following fields:

- Bidder/Proposer
- Contract Number
- Project Name
- DBE Firm Information: DBE Name, Phone, Address, City, State, Zip
- Participating As
- Scope Description
- DBE Bid Amount
- Dollar Amount for DBE Credit
- Bidder/Proposer Name, Title, Signature and Date
- DBE firm must have a representative print their Name and Title then Sign and Date the LOI

The LOI must contain signatures from **both** the bidder/proposer **and** the DBE firm in order to be counted for credit. *See examples below.*

DISADVANTAGED BUSINESS ENTERPRISE (DBE) LETTER OF INTENT
 (Must be completed and signed by each DBE listed on 00485 Commitment Form, and submitted with each bid)

Bidder:	Contract Number:	Project Name:
Ryder Marshall Construction	21P000	Doghouse Expansion Project

DBE Name: Fido's Concrete Company Phone: 000-000-0000
 Address: 1212 Puppy Ave City: St. Paul State: MN Zip: 55101
 Participating As: Prime Contractor Subcontractor Supplier (60% credit) Manufacturer Trucker Broker

Description	DBE Bid Amount	Dollar Amount for DBE Credit
Install Concrete Slab	\$20,000	\$20,000

1. This is a letter of intent between the bidder on this project and a DBE firm to perform subcontract work on this project.
2. By signing below, the bidder is committing to utilize the above-named DBE to perform the work described above.
3. By signing below, the above-named DBE is committing to perform the work described above.

Affirmation: I hereby affirm that the information above is true and correct.

Bidder Representative Name: Ryder Marshall Title: Owner

Bidder Representative Signature: Ryder Marshall Date: 9/8/2021

DBE Representative Name: Fido Barks Title: Owner

DBE Representative Signature: Fido Barks Date: 9/8/2021

[Contract Number]

DBE Commitment Form, Letter of Intent Form and Good Faith Efforts

DISADVANTAGED BUSINESS ENTERPRISE (DBE) LETTER OF INTENT
 (Must be completed and signed by each DBE listed on 00485 Commitment Form, and submitted with each bid)

Bidder:	Contract Number:	Project Name:
Ryder Marshall Construction	21P000	Doghouse Expansion Project

DBE Name: Baxter's Electrical Supply Phone: 111-111-1111
 Address: 1501 Paw Street City: Minneapolis State: MN Zip: 55407
 Participating As: Prime Contractor Subcontractor Supplier (60% credit) Manufacturer Trucker Broker

Description	DBE Bid Amount	Dollar Amount for DBE Credit
Supply Conduit and Light Fixtures	\$20,000	\$20,000 x .60 = \$12,000

4. This is a letter of intent between the bidder on this project and a DBE firm to perform subcontract work on this project.
5. By signing below, the bidder is committing to utilize the above-named DBE to perform the work described above.
6. By signing below, the above-named DBE is committing to perform the work described above.

Affirmation: I hereby affirm that the information above is true and correct.

Bidder Representative Name: Ryder Marshall Title: Owner

Bidder Representative Signature: Ryder Marshall Date: 9/6/2021

DBE Representative Name: Baxter Ruff Title: Owner

DBE Representative Signature: Baxter Ruff Date: 9/6/2021

[Contract Number]

DBE Commitment Form, Letter of Intent Form and Good Faith Efforts

Q8: How does a bidder/proposer count DBE participation?

A8: DBE participation is as follows:

- Contractor: 100% credit
- Manufacturer: 100% credit
- Supplier: 60% credit
- Broker: 5% credit (commission and transport fees)
- Trucking: 100% credit for DBE owned trucks, 100% credit for non-DBE trucks hired by the DBE firm-not to exceed the total number of DBE trucks, 60% if the trucking firm is being used as a supplier

Please see the [Counting Credit Guide](#) and the [Counting Trucking Credit Guide](#) for more detailed information.

Q9: If a DBE firm is subcontracting out some of their work to a non-DBE firm, does the bidder/proposer still count all of the work as DBE participation?

A9: No – the amount subcontracted to the non-DBE firm must be subtracted from the DBE contract amount.

Q10: How does a bidder/proposer calculate the DBE commitment percentage?

A10: The DBE commitment percentage should be the DBE Credit Amount divided by the Base Bid/Proposal Amount (or Total Bid/Proposal if there is not a difference between the Base and Total Bid/Proposal).

Q11: If a bid/proposal is for hourly rates – what amount does the bidder/proposer use as a total to calculate the DBE commitments against?

A11: The dollar value to be used to calculate the DBE commitments against will be provided during the solicitation period. If you are unable to find the appropriate amount in the solicitation documents, please submit the question in writing to the IFB/RFP Administrator during the question-and-answer period of the solicitation.

Q12: How does a bidder/proposer commit to a dollar amount with a DBE firm on an as-needed contract when there is no guaranteed work?

A12: Bidders/Proposers will be provided a dollar figure to be used to calculate the DBE commitments for award purposes. After award, the bidder/proposer has a continuing obligation to make good faith efforts to meet the goal and, will be responsible for applying the DBE participation goal to the total contract amount, including any additives, contract modifications and change orders.

Q13: As a prime bidder/proposer, our firm does not have any DBE commitments – are DBE forms still required to be submitted?

A13: Yes – the DBE Commitment Form must be signed and GFE must be submitted in order for the bidder/proposer to be found responsive.

Q14: Can a DBE firm bid as a prime contractor?

A14: Yes – any work self-performed or subcontracted to another DBE firm will count towards DBE participation on the project. All work subcontracted to a non-DBE firm will not count as DBE participation.

Q15: If a DBE firm is bidding as a prime, do they still need to fill out the DBE forms?

A15: Yes – The DBE Commitment Form and Letter(s) of Intent must be completed and signed in order for the bidder/proposer to be found responsive.

Q16: Why don't bidders/proposers get 24 hours after the solicitation deadline to submit Letter(s) of Intent or Good Faith Efforts?

A16: All DBE documents are due at time of bid/proposal in order to ensure an equitable solicitation process.

Q17: What if a bidder/proposer cannot get the DBE firm to sign the Letter of Intent by the solicitation deadline?

A17: The LOI must be signed by **both** the bidder/proposer **and** the DBE firm in order for the bidder/proposer to receive credit for that DBE firm. If the LOI is submitted without the DBE signature (or not submitted at all), the bidder/proposer will not receive that DBE credit.

Q18: Does a bidder/proposer get any preference for award if their bid/proposal exceeds the DBE goal instead of just meeting it?

A18: No – bidders/proposers do not get preference for meeting or exceeding the goal. For purposes of award, the bidder/proposer must either meet or exceed the numerical DBE goal **or** provide documentation that demonstrates adequate good faith efforts to meet the DBE goal.

Q19: If a bidder/proposer has women and minorities working in the company, is that an adequate substitute for the DBE goal?

A19: No – The Affirmative Action program is not interchangeable with the DBE program.

Q20: If a bidder/proposer works with a company that is owned by a woman/minority, does that count towards the DBE goal?

A20: In order for a bidder/proposer to receive DBE credit for projects that are federally funded and a numerical DBE goal has been established, the chosen firm must be certified and in the [DBE Directory](#) at time of bid/proposal.

Q21: How does a business become DBE certified?

A21: Visit [The Metropolitan Council's Small Business Programs DBE webpage](#) for more information about the DBE program and certification guidelines.

Q22: Can a bidder/proposer receive DBE credit for a commitment to a company that is currently applying to become certified?

A22: No – the DBE firm will only count for credit if certified at time of bid/proposal.

Q23: How does a bidder/proposer know if a company is a DBE firm?

A23: All certified DBE firm will be found in the [DBE Directory](#).

Q24: What if a bidder/proposer cannot find any DBE firms?

A24: It is the responsibility of the bidder/proposer to complete and document searches for DBE firms for subcontracting opportunities.

- If the bidder/proposer is having troubles searching in the DBE Directory, please contact the IFB/RFP Administrator and they can refer questions to the Small Business Specialist to provide additional assistance as needed.
- If the bidder/proposer is unable to find DBE firms able to complete the applicable work scope, the bidder/proposer should document all efforts and communications to submit as part of their GFE submission.

Q25: Does a bidder/proposer have to submit Good Faith Efforts if their bid/proposal meets or exceeds the DBE numerical goal?

A25: No – bidders/proposers are not required to submit GFE if the bid/proposal meets or exceeds the DBE numerical goal. However, it is strongly recommended and encouraged that bidders/proposers submit GFE in case there are errors discovered after bid/proposal submission.

Q26: Can a bidder/proposer still submit Good Faith Efforts even if the DBE goal is met?

A26: Yes – it is encouraged for all bidders/proposers to submit any and all GFE with the bid/proposal package so the bid/proposal is responsive in the event there is an error in the submittal resulting in a determination that the DBE numerical goal has not been achieved.

“If the DBE Commitment Form indicates the bidder/proposer DBE participation commitment is less than the goal established for this contract, the bidder/proposer must submit documented Good Faith Efforts at the time of bid/proposal that provides information about efforts the bidder/proposer took to meet the goal.

Failure to submit a properly completed DBE Commitment Form, DBE Letter of Intent Form(s) or DBE Good Faith Efforts (if applicable) with the bid/proposal may be considered non-responsive and result in no further consideration.”

Q27: What happens if the bidder/proposer’s calculations for the DBE commitments are incorrect at time of bid/proposal and the corrected calculation results in a determination that the DBE goal has not been met?

A27: If the bidder/proposer submitted GFE with their bid/proposal, the Small Business Specialist will conduct a GFE Review. If the bidder/proposer did not submit GFE, the bidder/proposer may be found non-responsive.

Q28: What does a bidder/proposer submit for Good Faith Efforts?

A28: Please see the [DBE Good Faith Efforts Submission Guide](#).