

103-C-253 GOOD FAITH EFFORTS PRIOR TO AWARD

(Adopted 08-10-16)

The Standard Specifications are revised as follows:

SECTION 103, BEGIN LINE 242, DELETE AND INSERT AS FOLLOWS:

If the apparent low bidder has not achieved the contract DBE goal, the bidder shall respond *by email or* in writing within five business days after notification by the Department of the failure to meet the DBE goal. The response shall provide evidence identifying the bidder's good faith efforts and all affirmative actions taken prior to letting to achieve the required DBE goal. Failure to respond within the five business day period will result in rejection of the bid, and may result in forfeiture of the bid bond, and the referral of the bidder to the Prequalification Committee.

Responses shall be sent to the Department's Division of Contract Administration. The Department will review the bidder's good faith efforts for compliance with these requirements.

If the Department determines that adequate good faith efforts have been made, and the bidder has met all other bidding requirements, the contract will be awarded.

If the Department determines that good faith efforts were inadequate, the Department will ~~issue written notification~~ *notify the bidder* of the determination ~~to the bidder~~ *by email*. The determination will outline the reasons for determination of non-compliance with good faith effort requirements.

The bidder may request a review of a determination of non-compliance by ~~making~~ *a email or* written submittal within five business days of the bidder's receipt of notification of non-compliance from the Department. The request for review shall include evidence disputing the Department's reasons for issuing a determination of non-compliance. The request shall be sent to the Department's Division of Contract Administration.
