

Guidelines for Contractors Submitting a Contract Waiver or Modification

When a Request for Waiver/Modification is submitted, 49 CFR, Part 26, Appendix A, criteria will apply. This regulation can be reviewed on the MDOT DBE Web site at, www.michigan.gov/mdotdbe. However, contractors submitting a Waiver/Modification request should be prepared to address and discuss the following criteria/questions with the Good Faith Efforts (GFE) Review Committee members. The information below is not intended to be a mandatory list, nor is it intended to be an exclusive or exhaustive list. As is evidenced by Appendix A and these guidelines the quality, quantity and intensity of good faith efforts are important.

Criteria 1: "Offer of Work"

1. Did the prime contractor offer sufficient amount of work to meet the DBE goal?
2. Did the prime contractor offer work in economically feasible units?
3. Did the prime contractor offer work normally performed with bidders own work force?
4. Did the prime contractor notify qualified DBE firms?
5. Were notified DBE firms in close geographic proximity to the project?

Criteria 2: "Timely Notice"

1. Did the prime contractor send timely written (e-mail/fax) solicitation notices to certified DBE firms?
2. Did the solicitation notice include the following:
 - a. Name and location of project
 - b. Bid date
 - c. Scope of work requested
 - d. Location where DBE's can review plans and specifications
 - e. Date and time to submit quote
 - f. Contact name for technical assistance
 - g. Any special requirements

Criteria 3: "Finance and Bonding Outreach"

1. If requested by the DBE, did the prime contractor provide contacts for possible bonding, insurance and lines of credit?
2. If requested by the DBE, did the prime contractor provide technical assistance in these areas?

Criteria 4: "Prime Contractor Follow-Up"

1. Did the contractor maintain a "follow-up log" from the initial solicitation? The log must show:
 - a. Type of contact (fax, telephone, e-mail)
 - b. Name of contact person
 - c. Name of DBE firm
 - d. Date and time of DBE contacted
 - e. Response received
 - f. Reason for DBE not bidding project (if applicable)

Criteria 5: "Prime Contractor DBE Program Outreach and Support"

1. Did the prime contractor host DBE informational workshops, attend Michigan Department of Transportation (MDOT) sponsored DBE events; such as networking sessions, DBE conference, DBE/prime contractor meetings, etc.?
2. Did the prime contractor contact minority business organizations about DBE opportunities?

Note: DBE percentages submitted by the three lowest bidders, at time of bid, will be reviewed by the Good Faith Efforts Review Committee members.