
County of San Luis Obispo
Department of Public Works

Race/Gender Conscious DBE Program
Federal-Aid Projects

What is a DBE?

- A for-profit small business concern that is at least 51 percent owned and controlled by one or more socially and economically disadvantaged individuals. (as defined in [49 CFR 26](#))
 - Citizen of the United States (or lawfully admitted permanent resident)
 - Member of one of the following groups:
 - ❑ Black American
 - ❑ Hispanic American
 - ❑ Native American
 - ❑ Asian-Pacific American
 - ❑ Subcontinent Asian Americans
 - ❑ Women
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Race/Gender Neutral DBE Program (since 2006)

- No Contract Goals
 - No Good Faith Effort Documentation Requirements
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New Race/Gender Conscious DBE Program

- Caltrans conducted a study and found a disparity in previously awarded transportation contracts in four of the DBE groups:
 - Women
 - Asian Pacific
 - Black American
 - Native American
 - These four DBE groups are considered Underutilized DBEs (UDBEs)
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Race/Gender Conscious DBE Program

- UDBE Contract Goals applicable to all Federal-Aid contracts awarded after June 2, 2009
 - Only UDBE participation will count towards the UDBE goal.
 - DBE participation by Hispanic Males and Subcontinent Asian Males will only count towards the Race/Gender Neutral portion of the County Overall Annual DBE Goal and the California statewide goal
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Race/Gender Conscious DBE Program

- To be considered responsive, bidders are be required to submit:
 - ❑ UDBE Commitment Form (with bid proposal)
 - ❑ UDBE Good Faith Effort Documentation
(by 4:00 pm the second business day following bid opening)

Note: These are County of SLO requirements and may differ from other agencies

UDBE Commitment Form

- Required information includes:
 - ❑ Contract item number
 - ❑ Item of work and description, services to subcontracted, or materials to be provided
 - ❑ UDBE certification number and expiration date
 - ❑ Name, address, and phone number of UDBE
 - ❑ Dollar amount towards each UDBE
 - ❑ Percentage of total bid amount towards UDBE
 - ❑ Signed and dated by the person bidding
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UDBE Commitment Form

- Identify all UDBE firms participating in the project regardless of tier
 - If the prime is a UDBE, identify all work performed by its own forces
 - Names of the First Tier UDBEs and their respective item(s) of work should be consistent, where applicable, with the "List of Subcontractors" submitted with your bid
 - Provide copies of the UDBEs' quotes, and if applicable, a copy of joint venture agreements pursuant to the Subcontractors Listing Law and the Special Provisions
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UDBE Good Faith Efforts

- Bidders are cautioned that even though their UDBE Commitment form indicates they will meet the UDBE goal, they are required to submit the UDBE Good Faith Efforts documentation, within the time specified, to be considered a responsive bidder.
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UDBE Good Faith Efforts

1. List names and dates of each publication a request for UDBE participation was placed
 2. List names and dates of written notices sent to UDBEs soliciting bids and the dates and methods used for following up initial solicitations to determine whether the UDBEs were interested.
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UDBE Good Faith Efforts

3. List items of work made available to UDBEs.
 4. List of rejected UDBEs and the reasons for the their rejection.
 5. List of firms selected for that work and the price difference for each UDBE if the selected firm is not a UDBE.
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UDBE Good Faith Efforts

6. List efforts made to assist interested UDBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications, and requirements for the work provided to UDBEs.
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UDBE Good Faith Efforts

7. List efforts made to assist interested UDBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
 8. List the names of agencies, organizations, or groups contacted to provide assistance in contacting, recruiting ,and using UDBEs.
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Good Faith Efforts Suggestions

- Make enough work items available to UDBEs to meet the UDBE Contract Goal
 - Solicit to all certified UDBEs that may be willing to do the work made available
 - Solicitations should include at least the minimum information to solicit a bid
 - Bidder contact information – phone and fax number
 - Project number
 - Types of work made available
 - Bid date and time
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More Good Faith Effort Suggestions

- Give adequate time for UDBEs to respond to a solicitation
 - If UDBE is determined to be unqualified, provide sufficient information, such as lack of license or poor work documented by a contracting agency
 - Provide sufficient detail for partial work items
 - UDBEs must be certified by the California Unified Certification Program (CUCP) at the date of the bid opening
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Useful Websites

- Locate certified DBEs or apply to become a certified DBE at the Caltrans Civil Rights Website:
<http://www.dot.ca.gov/hq/bep/>
 - Free training and counseling for DBEs available from California Construction Contracting Programs website: <http://buildcalifornia.org/>
 - Solicitations can be posted on the U.S. Small Business Administration Subcontracting Network website: <http://web.sba.gov/subnet>
 - Solicitations can be posted on the Small Business Exchange: www.sbeinc.com
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Questions?

For questions regarding this presentation please contact Cori Marsalek at 781-5252