

MODEL DISADVANTAGED BUSINESS ENTERPRISE (DBE) OUTREACH LANGUAGE FOR ROLLING STOCK REQUEST FOR PROPOSALS (RFP's)

DBE INFORMATION

Contractors are informed of the following:

- (1) A DBE must be a small business concern as defined pursuant to Section 3 of U.S. Small Business Act and relevant regulations promulgated pursuant thereto;
- (2) A DBE may participate as a Contractor, Subcontractor, joint venture partner with a Proposer or subcontractor, vendor of material or supplies, or as a trucking company;
- (3) A DBE joint venture partner must be responsible for specific contract items of work, or clearly defined portions thereof. Responsibility means actually performing, managing and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest;
- (4) A DBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work;
- (5) DBE firms must be certified by the appropriate state Agency.

RECOMMENDED DBE OUTREACH

- 1) Proposers shall solicit certified DBE firms that have the capability to perform the work of the Contract through all available means. Proposers shall also provide sufficient time for DBE firms to respond and take appropriate steps to follow-up on initial solicitations.

Examples of outreach activities include:

- A. Outreach to community-based organizations and small business associations.
- B. Outreach to the Department of Commerce's Manufacturing Extension Partnership (<http://www.nist.gov/mep/>).
- C. Attendance at a pre-proposal meeting, if any, scheduled by the Agency to inform DBEs of subcontracting opportunities under a given solicitation.
- D. Advertisement in general circulation media, trade association publications, and minority-focus media for at least twenty (20) days before proposals are due.
- E. Written notification to capable DBEs that their interest in the contract is solicited.

When potential sub-contracting DBEs are identified:

- F. Meet with them to assess capacity, experience, staffing, equipment needs, current workload, bonding capacity, creditworthiness, and references from other prime contractors they have worked with in the past.
- 2) Proposers can access numerous available DBE Databases. In addition to state-specific Department of Transportation's Unified Certification Program (UCP) DBE database,

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Proposers can use the following list of databases and organizations to identify certified DBE, MBE, and WBE firms. Additionally, Proposers are advised to search the Internet for local professional associations in their area. Sample search terms include: local DBE firms, minority business council, professional associations, local DBE associations, etc.

- [National Minority Supplier Development Council](#);
 - [U.S. Small Business Administration \(SBA\)](#) for Small Disadvantaged Business and HUB zone certified firms, the [Women-Owned Small Business Federal Contract](#), and [Service-Disabled Veteran-owned Small Business Concern Procurement Programs](#);
 - [Ethnic Majority's compilation](#) of government-certified minority-owned businesses;
 - [National Association of Minority Contractors National Database](#); and
 - Women in Transportation's (WTS International) [DBE Members](#).
- 3) Select portions of work to be performed by DBE firms in order to obtain DBE participation, which may include breaking out Contract work items into economically feasible units to facilitate DBE participation even when the Proposer might otherwise prefer to perform these work items with its own work forces.
- 4) Provide interested DBE firms with adequate information about the plans, specifications, and requirements of the Contract in a timely manner to assist with response to a solicitation.

Prepare a special packet with copies of the RFP as well as information on the specific roles, qualifications, and capacities that the Proposer would expect DBEs to perform. Respond to DBEs in a timely manner to clarify bid specifications.

- 5) Negotiate in good faith with DBE firms. Proposers are expected to avoid making false or misleading statements and to act professionally at all times.

Proposers are required to consider all qualified DBEs who express an interest in performing work under the contract. This means that Proposers cannot reject a DBE as unqualified unless the bidder has sound reasons based on a thorough investigation of the DBE's capabilities. Further, the DBE's standing within its industry, membership in specific groups, organizations or associations and political or social affiliation (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the Contractor's efforts to meet the contract DBE participation goal.

- 6) Make efforts to assist interested DBE firms in obtaining bonding, lines of credit or insurance as required for the Contract. Where available, Proposers can offer participation in Contractor or Owner Controlled Insurance Programs (CCIP/ OCIP) to DBE sub-contractors.

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- 7) Make efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- 8) Effectively use the services of available minority/women business organizations and other business assistance offices to provide assistance in the recruitment of DBE firms.