



Good Faith Efforts Criteria

The following is a listing of the best efforts criteria, as listed in the Nassau County M/WBE Rules (Section 6), which will be used to determine whether County contractors have made best efforts to obtain M/WBE participation in subcontracting. The requirements of this section apply to both M/WBE and non-M/WBE prime contractors.

Best efforts include the following, provided that equivalent efforts may be approved by the Executive Director:

- ◆ In any written advertisements and solicitations for subcontractors, the Contractor must specifically indicate its interest in receiving bids from M/WBEs and the requirement that subcontractors be equal opportunity employers. In addition, subcontracting opportunities must be advertised in at least two minority, trade or union publications, to be recommended by the Executive Director, in addition to publications of general circulation in Nassau County and surrounding areas or, where the Contractor has chosen not to publicly advertise for subcontractors, bids must be solicited by telephone, e-mail, facsimile or otherwise, from at least three certified M/WBEs whom the contractor reasonably believes might have the qualifications to do the work. Documentation shall include copies of any public advertisement and a list of the date(s) and names of the publications in which such advertisements appeared. If direct solicitation is used in the alternative to public advertisement, copies of e-mails, facsimile transmission reports, telephone logs or a prime contractor's affidavit detailing time and dates of communication shall be required as part of the documentation.
- ◆ The contractor is required to provide reasonable time, to the extent feasible given the timeframe of the County contract, for M/WBE subcontractors to respond to bid opportunities according to industry norms and standards. An outline of the schedule/time frame used to solicit and obtain bids from M/WBEs must be included with the best effort documentation.
- ◆ The contractor must have communication with potential M/WBE subcontractors who have previously expressed interest in the specific project. Thus, when a potential M/WBE subcontractor has, at any point prior to subcontract award, expressed an interest to the contractor in doing work under a particular contract, or when a County officer has indicated to the contractor that an M/WBE subcontractor has expressed an interest in doing work on the contract, the contractor must make follow-up telephone calls or have other communication, such as a personal letter or e-mail encouraging such participation. Telephone logs or copies of e-mails indicating such action,

or affidavit detailing time and dates of communication, must be included with the best effort documentation.

- ◆ M/WBE subcontractors must be allowed to review bid specifications, contract drawings and all other bid/RFP related items at no charge to the M/WBEs, other than reasonable documented costs incurred by the prime contractor that are passed onto the M/WBE. If costs are imposed on the subcontractor, a statement detailing costs must be included with the best effort documentation.
- ◆ Negotiations must be held in good faith with interested M/WBEs, and M/WBEs may not be rejected as unqualified or unacceptable without sound business reasons based on
 1. a thorough investigation of M/WBE qualifications and capabilities reviewed against industry custom and standards and
 2. cost of performance or
 3. other legal requirements.

The basis for rejecting any M/WBE deemed unqualified by the prime contractor shall be included in the best effort documentation. If an M/WBE is rejected on the basis of cost, the contractor must provide copies or information detailing the cost proposals.

- ◆ Contractors may not place unreasonable conditions of performance within the scope of work or otherwise impose artificial barriers to M/WBE subcontractor participation. Upon request for best effort documentation, the contractor shall submit a copy of the scope of work and a list of all other conditions of performance.
- ◆ Contractors may include any other type of documentation they feel necessary to further demonstrate their best efforts.

Good Faith Efforts Documentation

The following GFE Documentation must be submitted with the Utilization Plan by all firms that anticipate shortfalls in meeting the established MWBE project goal:

- ◆ **GFE Summary Form**– this form includes the firm's name, the contract number and amount, the MWBE goal, and the proposed MWBE goal. It will also identify the MWBE opportunities the firm desires to engage for said project.
- ◆ **GFE Solicitation Log**– this excel spreadsheet will assist the firm with their outreach efforts. The log consists of two pages.
 - ⇒ Tab one will document outreach efforts (how contact was made and results).
 - ⇒ Tab two will chronicle all bids received. That includes all subcontracted work (MWBE and non MWBE firms).

GFE Monthly Solicitation Log [Read-Only] - Excel

FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW

Normal Page Break Preview Page Custom Workbook Views

Ruler Formula Bar Gridlines Headings

Zoom 100% Zoom to Selection

New Window Arrange All Freeze Panes Split Hide Unhide

View Side by Side Synchronous Scrolling Reset Window Position

Switch Windows Macros

L3 Example

Good Faith Efforts Solicitation Log

Company Name	MBE WBE	Work Type	Location	Contact 1 - Date	Contact 1 - Type	Result	Contact 2 - Date	Contact 2 - Type	Result	Overall Result/Reason Chosen or Not/Comments	
ABC	MBE	Doors and Windows	Rochester	4/12/2014	Fax	Went thru, No response	14-Apr	Phone	Left VM	No response	Example
XYZ	MBE	Doors and Windows	Syracuse	4/12/2014	Fax	Went thru, May bid	21-Apr	Phone	Spoke with Kathy.	Declined to bid.	Example
123	WBE	Doors and Windows	Albany	4/12/2014	Fax	Went thru, No response	14-Apr	Phone	Spoke with Bob.	Don't offer the items.	Example
Tough guy	MWBE	masonry	Liverpool	4/12/2014	Email	Undeliverable	12-Apr	Fax	Went thru, No response	No response	Example
Quality	WBE	masonry	Plainview	4/12/2014	Fax	Went thru, will respond	16-Apr	Phone	Left VM	Received quote, too high	Example
Long Island Masonry, Inc	NA	masonry	Hicksville	4/12/2014	Email	Responded low bidder	x	x		See quote comparison	Example

Tab 1-Outreach

Outreach Bids

READY

Start

9:04 AM 4/11/2016

GFE Monthly Solicitation Log [Read-Only] - Excel

FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW

Normal Page Break Preview Page Custom Workbook Views

Ruler Formula Bar Gridlines Headings

Zoom 100% Zoom to Selection

New Window Arrange All Freeze Panes Split Hide Unhide

View Side by Side Synchronous Scrolling Reset Window Position

Switch Windows Macros

J6

Good Faith Efforts Solicitation Log

Company Name	MBE WBE	Work Type	Location	Date	Bid	Overall Result/Reason Chosen or Not/Comments	Comments
Quality	WBE	masonry	Plainview	4/12/2014	\$1,000,000.00	Received quote, too high	Example
Long Island Masonry, Inc	NA	masonry	Hicksville	4/12/2014	\$980,000.00		Example

Tab 2-Bids

Outreach Bids

READY

Start

9:05 AM 4/11/2016