

# ATTACHMENT E

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## Disadvantaged Business Enterprise (DBE) Provisions and Forms

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## **DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROVISIONS AND FORMS**

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### **1. Definitions and Interpretations**

VRE will utilize the following definitions to identify Disadvantaged Business Enterprise (DBE) Program eligibility standards. The following definitions and any other definitions related to the DBE program have the same meaning as defined in 49 CFR Part 26.

(a) "Disadvantaged Business Enterprise" or "DBE" means a for profit small business concern: (1) which is at least 51 percent owned by one or more socially or economically disadvantaged individuals, or in the case of a corporation in which 51 percent of the stock is owned by one or more such individuals; and (2) whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(b) "Small Business Concern" means, with respect to firms seeking to participate as DBEs in USDOT-assisted contracts, a small business as defined pursuant to Section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in section 26.65(b).

(c) "Socially and Economically Disadvantaged Individual" means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and includes any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

- (1) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (2) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese cultures or origin, regardless of race;
- (3) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (4) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands, Republic of Palau, the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- (5) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;
- (6) Non-minority American Women;
- (7) "Tribally-owned concern" means any concern at least 51 percent owned by an Indian tribe;
- (8) "Any individual groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA) at such times as the SBA designation becomes effective; and
- (9) Any individual who VRE finds to be socially and economically disadvantaged on a case-by-case basis.

(d) "USDOT" means the U.S. Department of Transportation including the Federal Transit Administration (FTA).

(e) "Good Faith Efforts" means efforts to achieve a DBE goal or other requirement that, by their scope, intensity and appropriateness to the objective, can reasonably be expected to fulfill the DBE program requirement.



## **2. DBE Policy**

VRE is committed to an active effort to involve Disadvantaged Business Enterprises (DBE) in contracting opportunities and encourages participation in procurement activities. Where it is practicable for any portion of the awarded Contract to be subcontracted to other suppliers, the prospective Contractor is encouraged to offer such business to minority and/or women-owned businesses.

Bidders/Offerors must state any plans to utilize such businesses and the manner in which they may be utilized under the resultant Contract.

The prospective Contractor and Subcontractors, their agents, employees, assignees or successors, any persons, firms, or agency of whatever nature with whom it may contract or make agreement, in connection with the Contract shall cooperate with VRE in meeting its commitment and goals with regard to the creation of a level playing field for DBE. The prospective Contractor shall use best efforts to ensure DBE shall have a level playing field to compete for subcontract work under this Contract. Reference: Federal Regulations Sec. 49 CFR 26.49.

## **3. Banks and Financial Institutions**

The Contractor is encouraged to utilize the services of disadvantaged, minority and woman-owned banks and financial institutions.

To date, VRE has identified the following such institutions that are located in the VRE relevant market area of the District of Columbia, Maryland and Virginia:

Industrial Bank  
4812 Georgia Avenue, NW  
Washington, DC. 20011

The Harbor Bank of Maryland  
25 W. Fayette Street  
Baltimore, Maryland 21201

Movement Bank (Formerly First State Bank)  
201 North Union Street  
Danville, Virginia 24541

## **4. Certification and Directory of DBEs**

(a) All prospective DBEs must be certified through a Unified Certification Program (UCP). VRE recognizes certification by the Virginia Department of Small Business and Supplier Diversity (SBSD), the Metropolitan Washington Airports Authority (MWAA) and the Washington Metropolitan Area Transit Authority (WMATA).

(b) Each DBE firm will be verified as a certified DBE through one of the UCP Directories listed above and they each maintain online DBE directories of all firms certified. These online directories and appropriate forms to apply for DBE certification are available at the following website addresses:

SBSD's website: <https://www.sbsd.virginia.gov/>

MWAA's website: <https://www.mwaa.com>

WMATA's website: <https://wmata.com>

(c) The eligibility of a DBE certified joint venture will be determined on a project-by-project basis by VRE.

(d) Bidders/Offerors are reminded that only certified DBEs may participate in VRE contracts in such capacities. If



Bidders/Offerors propose using a DBE not currently certified, it is strongly urged that a UCP be contacted well in advance of the date set for receipt of Bids/Proposals to enable review of the proposed DBE's eligibility.

### **5. DBE Participation**

For the purpose of this Contract, VRE will accept only DBEs who are:

- (a) Certified, at the time of Bid opening or Proposal evaluation, by SBSB, MWA and/or WMATA; or
- (b) An out-of-state firm who has been certified by either a local government, state government or Federal government entity authorized to certify DBE status or an agency whose DBE certification process has received FTA approval; or
- (c) Certified by another agency approved by VRE.

### **6. DBE Modifications, Substitutions or Termination**

This provision applies to all modifications, substitutions and termination under this Contract. The Contractor will be required to comply with this provision to the extent needed to achieve the DBE goals agreed to at the time of contract award.

(a) If a Prime Contractor wishes to terminate or substitute a DBE Subcontractor listed as fulfilling its contract goal, and then performs the work of the terminated DBE Subcontractor with its own forces, an affiliate, a non-DBE Subcontractor or with another DBE Subcontractor, it must submit written documentation prior to the termination or substitution of the DBE Subcontractor to VRE's DBE Coordinator. This will include any changes to items of work, material, services, or DBE firms that differ from those identified on the **Intent to Perform as a DBE Subcontractor** form(s) (Exhibit B) on file with the DBE Coordinator. The Bidder/Offeror/Contractor must provide any and all documentation and information as may be requested with respect to the requested change. VRE may provide written consent only if the Contractor has good cause to terminate the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

- (1) Before transmitting a request to terminate, the Contractor shall give notice in writing to the DBE Subcontractor of its intent to terminate and the reason for the request. The Contractor shall give the DBE five (5) days to respond to the notice and advise of the reasons why it objects to the proposed termination.

(b) The Bidder's/Offeror's/Contractor's documentation shall include the specific reasons for the proposed change. Specific reasons that are acceptable include but are not limited to: the DBE was not able to perform; the DBE was unable to produce acceptable work; and/or the DBE has submitted an unreasonable escalation in price. In the case of a DBE Subcontractor being substituted by another DBE Subcontractor, the Contractor should include the name, address, certification number and principal office of the proposed DBE firm. After providing an opportunity for VRE's DBE Liaison Officer to make a recommendation, the DBE Coordinator will approve or disapprove the change.

(c) If the change involves replacing a DBE that is terminated or has otherwise failed to complete its work on a Contract, the Bidder/Offeror/Contractor must make good faith effort to replace one DBE with another DBE to perform at least the same amount of work under the Contract as the DBE that was terminated, to the extent needed to meet the DBE goal. The substitute DBE firm must be certified by a UCP in order for the Bidder/Offeror/Contractor to receive credit toward fulfilling its DBE participation goal for the Contract. In the event that the Bidder/Offeror/Contractor is unable to contract with another DBE firm, good faith effort documentation must be provided to the DBE Coordinator describing the unsuccessful attempts to locate a substitute DBE. In all situations, the Contractor may not terminate or substitute a DBE Subcontractor without the prior written consent of the DBE Coordinator.



(d) The Bidder/Offeror/Contractor must submit a new Intent to Perform as a DBE Subcontractor form for the substitute DBE firm(s) with the request for change, to verify that the new DBE firm(s) is certified by a UCP. The DBE Coordinator shall notify the Bidder/Offeror/Contractor in writing of his or her decision as expeditiously as possible. If the Contract has been awarded and the DBE Coordinator approves the proposed substitution in writing, the Contractor shall provide a copy of the executed subcontract agreement with the proposed DBE firm to the DBE Coordinator within ten (10) business days of its receipt of the substitution approval.

(e) If the change involves a modification, the Contractor must submit, if applicable, the Intent to Perform as a DBE Subcontractor form specified for contract modifications for any DBE Subcontractor affected by this change. This form may be obtained from the DBE Coordinator.

(f) If the Contractor does not comply with this provision, VRE may elect to apply contract remedies as defined in 49 CFR Part 26, or other contract remedies, as appropriate. Additionally, the DBE Coordinator may order that the profits from the terminated portion of the DBE subcontract be forfeited by the Contractor.

## **7. Demonstration of Good Faith Effort**

(a) If a Bidder/Offeror is unable to meet the DBE goal, it shall nevertheless be eligible for award of the Contract if it can demonstrate to the DBE Coordinator that it has made a good faith effort to meet the DBE goal. The Bidder/Offeror shall submit to VRE the **Evidence of Good Faith Efforts Form** (Exhibit C) which documents the steps it has taken to solicit participation from DBE firms. This form should be submitted when the initial response to VRE's solicitation is due. All Contractors, including DBE Prime Contractors, are required to submit good faith efforts documentation, if necessary. In evaluating a Bidder's/Offeror's good faith effort submission, VRE will only consider those documented efforts that occurred prior to the good faith efforts determination. The types of actions that VRE will consider as part of the Bidder's/Offeror's good faith efforts include, but are not limited to, the following:

- (1) Documented communication with VRE's DBE Liaison Officer (questions of IFB or RFP requirements, subcontracting opportunities, appropriate certification, will be addressed in a timely fashion);
- (2) Pre-bid/pre-proposal meeting attendance. At the pre-bid/pre-proposal meeting, VRE generally informs potential Bidders/Offerors of DBE subcontracting opportunities;
- (3) The Bidder's/Offeror's own solicitations to obtain DBE involvement in general circulation media, trade association publication, minority-focus media and other reasonable and available means within sufficient time to allow DBEs to respond to the solicitation;
- (4) Written notification to DBEs encouraging participation in the proposed Contract; and
- (5) Efforts made to identify specific portions of the work that might be performed by DBEs.

(b) The Bidder/Offeror shall provide the following details, at a minimum, of the specific efforts it made to negotiate in good faith with DBEs for elements of the Contract:

- (1) The names, addresses and telephone numbers of DBEs that were contacted;
- (2) A description of the information provided to targeted DBEs regarding the specifications and bids/proposals for portions of the work;
- (3) Efforts made to assist DBEs contacted in obtaining bonding or insurance required by the Bidder/Offeror or VRE.



(c) In the event that a firm submitted by a Bidder/Offeror in accordance with the requirements of the Submission of DBE Utilization Forms and Related Documentation provision cannot be certified, the Bidder/Offeror will be notified and given an opportunity to substitute that firm with a certified DBE firm. The Bidder/Offeror will have ten (10) calendar days from the date of notification to accomplish the substitution. In the event the Bidder/Offeror is unable to contract with another substitute DBE firm, the good faith efforts that the Bidder/Offeror made in attempting to contract with a substitute DBE firm must be documented to the DBE Coordinator at the end of the same ten (10) calendar day period.

(d) VRE will look not only at the different kinds of efforts that the Bidder/Offeror has made, but also the quantity and intensity of those efforts. Efforts that are merely pro forma are not good faith efforts to meet the goal (even if they are sincerely motivated) if, given all relevant circumstances, the Bidder's/Offeror's efforts could not reasonably be expected to produce a level of DBE participation sufficient to meet the goal.

(e) Bidders/Offerors are reminded that the issue of whether or not the Bidder/Offeror has met or exceeded the established goal and/or demonstrated good faith efforts may be considered a matter of the Bidder's/Offeror's responsibility. VRE will only award contracts to Bidders/Offerors determined to be responsible. The DBE Coordinator, after affording VRE's DBE Liaison Officer an opportunity to make a recommendation, shall be responsible for determining the sufficiency of a Bidder's/Offeror's good faith effort to meet contract goals.

(f) A Bidder/Offeror that the DBE Coordinator determines is not responsible may request administrative review and reconsideration under VRE's Procurement Regulations. As part of any reconsideration, if requested, the Bidder/Offeror may elect to meet in person with VRE's DBE Coordinator to discuss credit toward meeting the DBE goal or whether the Bidder/Offeror made adequate good faith efforts.

## **8. Administrative Reconsideration**

(a) Within 30 days of being informed by VRE that it is not responsive because it has not documented sufficient good faith efforts, a Bidder/Offeror may request administrative reconsideration. A Bidder/Offeror should make this request in writing to the VRE reconsideration official at the address provided below:

Rich Dalton, Chief Executive Officer  
Virginia Railway Express (VRE)  
1500 King Street, Suite 202  
Alexandria, Virginia 22314

(b) The obligation of the Bidder/Offeror is to make good faith efforts. The Bidder/Offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. The DBE Coordinator is responsible for determining whether a Bidder/Offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive. VRE will ensure that all information is complete and accurate and adequately documents the Bidder's/Offeror's good faith efforts before VRE commits to the performance of the Contract by the Bidder/Offeror.

(c) The reconsideration official will not have played any role in the original determination that the Bidder/Offeror did not document sufficient good faith efforts. As part of this reconsideration, the Bidder/Offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The Bidder/Offeror will have the opportunity to meet in person with VRE's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. VRE will send the Bidder/Offeror a written decision on reconsideration, explaining the basis for finding that the Bidder/Offeror did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process may not be appealed to the Department of Transportation.



## **9. Payment Documentation**

Concurrently with the submission of each invoice or request for a progress payment under this Contract, the Contractor shall provide a breakdown of the amounts paid to DBEs identified by the Contractor to participate in this Contract. The breakdown shall be provided on the attached **Monthly DBE Subcontractor Progress Report** (Exhibit D). As provided elsewhere in this Contract, VRE may withhold all or part of any payment otherwise due the Contractor if the Contractor fails to submit the **Monthly DBE Subcontractor Progress Report** and/or make prompt payments to its subcontractors, suppliers, materialmen or laborers.

## **10. Contract Compliance**

VRE shall monitor the Contractor's DBE compliance during the life of the Contract. In the event this procurement exceeds ninety (90) days, it will be the responsibility of the Contractor to submit semi-annual written reports to VRE that summarize the total DBE value for this Contract. These reports shall provide the following details:

- (a) DBE utilization established for the Contract;
- (b) Total value of expenditures with DBE firms for the six (6) month period;
- (c) The value of expenditures with each DBE firm for the six (6) month period by race and gender;
- (d) Total value of expenditures with DBE firms from inception of the Contract; and
- (e) The value of expenditures with each DBE firm from the inception of the Contract by race and gender.

The Contractor is required to maintain records and documents of payments to DBEs for three (3) years following the performance of the Contract and will make these records available to VRE upon request.

## **11. Sanctions for Noncompliance with VRE's DBE Program Provisions**

Failure of the Contractor to carry out VRE's DBE program provisions shall constitute a breach of contract and may result in termination of the Contractor for default or such remedy as VRE may deem appropriate. VRE reserves the right to apply legal and contract remedies available under Federal, State and Local law, including but not limited to, responsibility determinations in future contracts, suspension and debarment procedures as outlined in 49 CFR Part 29, and forfeiture of profits as provided for elsewhere. VRE will bring to the attention of the U.S. Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps provided in 49 CFR Section 26.107.

## **12. Submission of DBE Utilization Forms and Related Documentation**

- (a) Each Bidder/Offeror shall submit to VRE a **Summary of Subcontractors/Subconsultants/Suppliers** (Exhibit E) that indicates the percentage value of the total Contract amount to be supplied by Disadvantaged Business Enterprises under this Contract. The DBE certification must be attached to the DBE statement.
- (b) If the prospective Contractor is not itself, nor plans to utilize an authorized DBE, the prospective Contractor shall write "**NO DBEs**" on the DBE Form and submit the form.
- (c) Each Bidder/Offeror shall submit an executed **Intent to Perform as a DBE Subcontractor** form for each proposed subcontractor, listed in the Summary of Subcontractors/Subconsultants/Suppliers, when the initial response to VRE's solicitation is due. If a Bidder/Offeror does not meet VRE's DBE participation goal, the **Evidence of Good Faith Efforts** form should also be submitted when the initial response to VRE's solicitation is due. The submission



of this information is considered an issue of responsibility, and VRE may not award a Contract to any Offeror who has not supplied this documentation.

- (d) The **Intent to Perform as a DBE Subcontractor** form for each proposed Subcontractor shall constitute a representation by the Bidder/Offeror to VRE that it believes such firm is ready, willing, and able to perform the work indicated. It shall also represent a commitment by the Bidder/Offeror that if it is awarded the Contract, it will enter into a subcontract with such Subcontractor for the work described at the approximate price set forth in the **Intent to Perform as A DBE Subcontractor** form. No work shall be included in the schedule that the Bidder/Offeror has reason to believe the listed DBE will subcontract, at any tier, to other than another DBE.
- (e) If the DBE Subcontractor participation changes after the forms have been submitted, but prior to award of the Contract, the Bidder/Offeror will be required to immediately notify the DBE Coordinator of the changed amount and the reason(s) for the change. The modification and substitutions of DBE firms that occur shall be governed by DBE Modification or Substitutions provision stated herein.
- (f) If awarded the Contract, the successful Bidder/Offeror may not deviate from the DBE **Summary of Subcontractors/Subconsultants/Suppliers** form submitted in response to the IFB/RFP. Any subsequent changes and/or substitutions of DBE firms will require review and written approval by VRE.
- (g) Except as authorized by the DBE Coordinator, the successful Bidder/Offeror shall enter into formal agreements with the subcontracting firms shown in the submitted **Intent to Perform as a DBE Subcontractor** form(s) within ten (10) business days after receipt of a Contract executed by VRE. The successful Bidder/Offeror (Contractor) shall provide the DBE Coordinator a copy of each agreement within three (3) business days of execution.
- (h) If a Bidder/Offeror is a DBE and lists itself on the **Intent to Perform as a DBE Subcontractor** form, it is required to perform the work indicated with its own work force.



**EXHIBIT B**

**INTENT TO PERFORM AS A DBE SUBCONTRACTOR FOR A CONTRACT AWARD**

**All DBE subcontracting firms to be used on this solicitation must fill out this form.**

DBE firms participating in VRE's contracting opportunities must have "current" certification status with a Unified Certification Program (UCP) prior to award of this contract. If VRE determines that the firm is not an eligible DBE firm for VRE contracts and subcontracts, the Prime Contractor will be notified of the ineligibility of the listed firm. The submission of this form is considered an issue of responsibility and VRE will not award a Contract to any Bidder/Offeror who has not supplied this documentation.

1. VRE Solicitation #: \_\_\_\_\_
  
2. Name of **DBE** Subcontracting Firm \_\_\_\_\_.
  
3. Has the **DBE** Subcontractor been certified as a DBE by a UCP agency? \_\_\_\_\_
  
4. The **DBE** Subcontractor is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both):  
\_\_\_\_\_  
and at the following percentage \_\_\_\_\_%.

BY: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
(Signature of **DBE** subcontracting Owner, President or Authorized Agent)

\_\_\_\_\_  
PHONE: \_\_\_\_\_  
(Print or Type - Name of Signature of Owner, President or Authorized Agent of **DBE** subcontracting firm)

**DECLARATION OF PRIME CONTRACTOR**

I HEREBY DECLARE AND AFFIRM that I am the \_\_\_\_\_  
(Title of Declarant)

and a duly authorized representative of \_\_\_\_\_  
(Name of Prime Contractor)

to make this declaration and that I have personally reviewed the material and facts set forth in this Intent to Perform as a DBE Subcontractor form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true, the owner or authorized agent of the subcontracting firm signed this form in the place indicated, and no material facts have been omitted.

Except as authorized by the DBE Coordinator, the undersigned will enter into a formal agreement with the listed DBE subcontracting firm for work as indicated by this form within ten (10) business days after receipt of the Contract executed by VRE. The undersigned will provide the DBE Coordinator a copy of that agreement within three (3) business days of execution.

The Prime Contractor designated the following person as their DBE Liaison Officer:

\_\_\_\_\_  
(Name-Please Print) (Phone)



Pursuant to 49 CFR Section 26.107, any person [entity] who makes a false or fraudulent statement in connection with participation of a DBE in any USDOT-assisted program or otherwise violates applicable Federal statutes and may be referred to the U.S. Department of Transportation, and possibly the U.S. Department of Justice, for prosecution.

Name of Declarant: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**EXHIBIT C**  
**EVIDENCE OF GOOD FAITH EFFORTS FORM**  
**(SUBMIT THIS FORM ONLY IF DBE GOAL CANNOT BE FULFILLED)**

If a Bidder/Offeror does not meet VRE's DBE participation goal, it shall be eligible for award of the Contract if it can demonstrate that it has made a good faith effort to meet the DBE goal. If necessary, the Bidder/Offeror shall submit this form to document the good faith efforts attempt made in soliciting participation from DBE firms. In order to show that good faith efforts were made, the Bidder/Offeror must demonstrate the methods it used to seek DBE participation, in accordance with the Regulations Regarding the Determination of Good Faith Efforts Participation.

VRE Solicitation #: \_\_\_\_\_ Current Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Project Name: \_\_\_\_\_

Offeror (Firm): \_\_\_\_\_ Telephone: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

To determine whether a Bidder/Offeror has demonstrated good faith efforts to reach the DBE participation goal on the above referenced project, VRE will consider, at a minimum, evidence of Good Faith Efforts as described in the table below.

YES (✓)	NO (✓)	EVIDENCE OF GOOD FAITH EFFORTS
		<b>PRE-BID / PRE-PROPOSAL MEETING(S):</b> The Bidder/Offeror attended the pre-bid or pre-proposal meetings scheduled by VRE to discuss, among other matters, DBE participation opportunities.
		<b>ADVERTISEMENT:</b> The Bidder/Offeror advertised in general circulation, trade association, and/or minority/women-focus media concerning subcontracting opportunities.
		<b>WRITTEN NOTICE(S):</b> The Bidder/Offeror provided written notice to a reasonable number of DBEs that their interest in the contract was being solicited in sufficient time to allow DBEs to participate effectively.
		<b>FOLLOW-UP:</b> The Bidder/Offeror followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested.
		<b>SMALL CONTRACTS:</b> The Bidder/Offeror selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal (including, where appropriate, breaking down the contract into economically feasible subcontracts to facilitate DBE participation).
		<b>INFORMATION:</b> The Bidder/Offeror provided interested DBEs with adequate information about the plans, specifications, scope of work and requirements of the contract.
		<b>GOOD FAITH NEGOTIATIONS:</b> The Bidder/Offeror negotiated in good faith with interested DBEs regarding price, using good business judgment and not rejecting reasonable quotes from interested DBE firms.
		<b>ASSISTANCE EFFORTS:</b> The Bidder/Offeror made efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance, etc., as required by VRE or the Bidder/Offeror.
		<b>ASSISTANCE IN OBTAINING SUPPLIES:</b> The Bidder/Offeror made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
		<b>WRITTEN NOTICE(S):</b> The Bidder/Offeror obtained written documentation from a bona fide surety company indicating that bonding was denied and for what reason(s), prior to the DBE being rejected as a potential Subcontractor for failing to obtain Bidder/Offeror-required bonding. Documentation furnished by a surety company will be subject to verification by VRE.
		<b>COMMUNITY RESOURCES:</b> The Bidder/Offeror effectively used the services of available minority and women community organizations, contractor groups; Federal, State and Local business assistance offices; and other organizations that provide assistance in the identification of DBEs.



		<b>OTHER – PLEASE EXPLAIN:</b>
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**I certify that the information contained in this Evidence of Good Faith Efforts Form is true and correct to the best of my knowledge. I further understand that any willful falsification, fraudulent statement or misrepresentation will result in appropriate sanctions which may involve debarment and /or prosecution under applicable State and Federal laws.**

Print Name/Title of Person Completing this Form: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**EXHIBIT D (FOR REFERENCE)**

**MONTHLY DBE AND NON-DBE SUBCONTRACTOR PROGRESS REPORT**

**REPORT FOR MONTH ENDING \_\_\_\_\_, 20\_\_\_\_**

**INSTRUCTIONS:** After the award of a Contract, this Report must be filed by the 15<sup>th</sup> of each month to report Subcontractor participation during the preceding month.

**1) Prime Contractor:** \_\_\_\_\_ **2) Project Name:** \_\_\_\_\_

**3) Contract Number:** \_\_\_\_\_ **4) Contract Amount (as Amended) \$:** \_\_\_\_\_

**5) Total Amount Received to Date: \$** \_\_\_\_\_ **6) Total Amount Owed: \$** \_\_\_\_\_ **7) Amount of This Invoice: \$** \_\_\_\_\_

**8) Total Value of DBE Contracts: \$** \_\_\_\_\_ **9) Committed DBE %:** \_\_\_\_\_ % **10) Actual DBE Participation % to Date:** \_\_\_\_\_ %

11) Name of Subcontractor	12) DBE (Y/N)	13) Work Status This Reporting Period	14) Description of Work	15) Amount & Date of Last Payment Made to Subcontractor	16) Amount of Subcontract Award	17) Amount Paid to Date	18) % Paid to Date	19) Amount Invoiced this Reporting Period
		<input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Complete						
		<input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Complete						
		<input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Complete						
		<input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Complete						
		<input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Complete						
		<input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Complete						

I certify the information furnished above is correct to the best of my knowledge and represents a current status of the Prime Contractor's DBE subcontracting activity for the period covered by this report. Further, those Subcontractors due payment pursuant to the terms of their subcontracts will be paid within seven (7) days after the Prime Contractor's receipt of payment from VRE.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**MONTHLY DBE AND NON-DBE SUBCONTRACTOR PROGRESS REPORT**  
**INSTRUCTIONS FOR CONTRACTORS**  
**HOW TO FILL OUT PROGRESS REPORT FORM**

The DBE Subcontractor Progress Report form is to be filled out by the Contractor and submitted with each invoice. The instructions below correspond to each item on the reverse side of the form.

1. **Prime Contractor**  
Fill in your company's name.
2. **Project Name**  
Fill in the name of the project.
3. **Contract Number**  
Fill in the contract number assigned to your project by VRE.
4. **Contract Amount (as Amended)**  
Fill in dollar amount of original contract plus/minus the dollar amount agreed upon at a later date as a result of contract modifications, if applicable.
5. **Total Amount Received to Date**  
Fill in the dollar amount you have received from VRE to date.
6. **Total Amount Owed**  
Fill in the dollar amount of the contract minus amount paid to you by VRE.
7. **Amount of This Invoice**  
Fill in the dollar amount of the invoice being submitted to VRE this reporting period.
8. **Total Value of DBE Contracts**  
State the total committed dollar value to all DBE Subcontractors for the duration of the contract.
9. **Committed DBE Percentage**  
Fill in the percentage of DBE participation you committed to obtain in the contract.
10. **Actual DBE Participation % to Date**  
Dollar amount paid to all DBE firms divided by dollar amount received by Contractor from VRE.
11. **Name of Subcontractor**  
Name all Subcontractors (use additional sheets as necessary).
12. **DBE (Y/N)**  
State whether the Subcontractor is a DBE firm or not.
13. **Work Status This Reporting Period**  
Check the box stating whether the DBE Subcontractor is actively working on the project, is currently inactive on the project or if they have completed their work on the project.
14. **Description of Work**  
State the work performed by the DBE Subcontractor.
15. **Amount and Date of Last Payment Made to Subcontractor**  
State the amount and date of last payment made to each DBE Subcontractor. Submit evidence of payment (i.e. cancelled check, check register, etc.).
16. **Amount of Subcontract Award**  
State the committed dollar value to the DBE Subcontractor for the duration of the contract.
17. **Amount Paid to Date**  
Add all amounts paid to each DBE Subcontractor to date.
18. **Percent Paid to Date**  
Dollar amount paid to the DBE Subcontractor divided by the amount committed to them.
19. **Amount Invoiced this Reporting Period**  
Fill in how much of the invoice from this reporting period will be paid to each DBE Subcontractor.

**EXHIBIT E**

**SUMMARY OF SUBCONTRACTORS/SUBCONSULTANTS/SUPPLIERS**

Bidders/Offerors should provide information on all of their prospective subcontractor(s)/sub-consultant(s)/suppliers who submit bids/proposals in support of this solicitation. Use additional sheets as necessary.

VRE Solicitation Number: \_\_\_\_\_

Name of Prime Contractor: \_\_\_\_\_

NAMES AND ADDRESSES OF SUBCONTRACTOR(S)/SUBCONSULTANT(S)	TYPE OF WORK TO BE PERFORMED	ETHNICITY & GENDER OF OWNER (PLEASE CIRCLE)	PREVIOUS YEAR'S ANNUAL GROSS RECEIPTS	\$ AMOUNT ON CONTRACT
NAME: ADDRESS: PHONE: FAX:                      EMAIL: CONTACT PERSON:	TYPE OF WORK:  AGE OF FIRM:  IS THE FIRM A CERTIFIED DBE BY A UNIFIED CERTIFICATION PROGRAM? YES <input type="checkbox"/> NO <input type="checkbox"/>	Ethnicity: <input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> less than \$500K <input type="checkbox"/> \$500K - \$2 mil. <input type="checkbox"/> \$2 mil. - \$5 mil. <input type="checkbox"/> more than \$5 mil.	To Be Determined
NAME: ADDRESS: PHONE: FAX:                      EMAIL: CONTACT PERSON:	TYPE OF WORK:  AGE OF FIRM:  IS THE FIRM A CERTIFIED DBE BY A UNIFIED CERTIFICATION PROGRAM? YES <input type="checkbox"/> NO <input type="checkbox"/>	Ethnicity: <input type="checkbox"/> Black American <input type="checkbox"/> <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> less than \$500K <input type="checkbox"/> \$500K - \$2 mil. <input type="checkbox"/> \$2 mil. - \$5 mil. <input type="checkbox"/> more than \$5 mil.	To Be Determined
NAME: ADDRESS: PHONE: FAX:                      EMAIL: CONTACT PERSON:	TYPE OF WORK:  AGE OF FIRM:  IS THE FIRM A CERTIFIED DBE BY THE UNIFIED CERTIFICATION PROGRAM? YES <input type="checkbox"/> NO <input type="checkbox"/>	Ethnicity: <input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Subcont. Asian American <input type="checkbox"/> Asian Pacific American <input type="checkbox"/> Non-Minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> less than \$500K <input type="checkbox"/> \$500K - \$2 mil. <input type="checkbox"/> \$2 mil. - \$5 mil. <input type="checkbox"/> more than \$5 mil.	To Be Determined

The undersigned Bidder/Offeror has satisfied the requirements of the solicitation in the following manner (please check the appropriate space):

- The Bidder/Offer is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract.
- The Bidder/Offeror (if unable to meet the DBE goal of 14.7%) is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Print Name/Title of Person Completing this Form: \_\_\_\_\_

Signature: \_\_\_\_\_

