

### Tips

1. Make sure you include DT1506 (Commitment to Subcontract to DBE), DBE quotes OR signed Attachments A, and DT1202 (Documentation of Good Faith Efforts) if you did not meet the DBE goal with your bid
2. Make sure DBEs sign the Attachment A. Do NOT ask a DBE to sign a blank Attachment A. The full commitment must be specified.
3. Make sure you submit DT1202 supplemental materials if applicable by 11:00 am on the Wednesday following the bid to the DBE Alert email box: DBE\_Alert@dot.wi.gov
4. Use the following naming convention for DT1202 supplemental materials: “Project #, Proposal #, Let date, Business Name, GFE”
5. Make sure you submit signed Attachments A by 11:00 am on the Wednesday following the bid to the DBE Alert email box: DBE\_Alert@dot.wi.gov
6. Use the following naming convention for signed Attachments A: “Project #, Proposal #, Let date, Business Name, Bid Attachment A”
7. Follow the directions below for submitting supporting documentation for self-performance of work when applicable
8. When submitting a GFE request, fully explain “sound reasoning for rejection of DBE quote” (#5 on form DT1202)

### Q&A

- Q. What happens if a DBE signature is missing from any Attachment A?
  - A. Bid is non-responsive
- Q. How are mathematical errors to the DT1506 handled?
  - A. WisDOT will correct mathematical errors. If bidder still meets the DBE goal the bid is responsive. If bidder does not meet the goal after errors are corrected the bid is non-responsive because they should have submitted a DT1202.
- Are bidders allowed to remedy by adding DBEs or submitting a DT1202 (within the 24-hour timeframe?)
  - A. No
- Q. How should bidders document credit evaluation for DBEs included on DT1506?
  - A. Bidders must show the full subcontract amount on Attachment A and the amount of credit figured: full amount \$100,000; DBE credit 60% = \$60,000. Enter \$60,000 on the appropriate line of form DT1506
- Q. What happens if a PRIME signature is missing from any Attachment A?
  - A. WisDOT will accept the Attachment A without the prime’s signature at time of bid, but an Attachment A signed by the prime will be required prior to contract execution. Attachment A submitted following contract execution must be signed by the prime.
- Q. Are any adjustments allowed to GFE documentation after submission?
  - A. No. DT1202 and supplemental documentation stand as submitted and the DBE Office does not reach out to ask if items not listed were solicited, or for any documentation not referred to in the DT1202
  - In the event you have rejected a DBE quote, you must include the DBE quote and associated non-DBE quotes for that item or items with your DT1202 submission (see next question).
- Q. What documentation does the prime need to submit if they have not met the DBE goal and have opted to self-perform items quoted by a DBE?
  - A. Submit the following documentation:
    - Clearly itemize the prime’s estimated costs of performing the scope of work defined in the contract.

- Writings, working papers, computer printouts, charts, and data compilations that contain or reflect information, data, calculations or assumptions used by the bidder to determine the proposal submitted.
  - Quantity takeoffs, rate schedules for the direct costs of craft labor, construction (expendable materials), construction equipment ownership costs, construction equipment operating costs, permanent materials, subcontractors and insurance.
  - Development of rates of production including, where appropriate: estimate of crews, construction materials, construction equipment, and construction sequence and duration.
  - Allocation of construction plant and equipment, time and non-time related indirect costs (including if applicable joint venture fees), home office overhead, contingencies and margin applicable to each bid item.
- Q. Are bidders allowed to submit additional DBE participation that they can prove they had prior to bid, but left out erroneously?
  - A. No. WisDOT will proceed with GFE evaluation and encourage prime to include DBE participation following contract execution (if it is determined GFE was demonstrated and contract is awarded)
- Q. Can DT1202 supplemental documentation be faxed to WisDOT?
  - A. Fax is not an option. All documentation required at time of bid should not exceed upload size limitations.
- Q. A bidder has submitted all required documentation and the bid is posted. The DBE office then notices that a signature is missing or the documentation is otherwise incomplete. Will the bid be marked non-responsive?
  - A. Yes, the bid is non-responsive. Bidder is notified and posting is adjusted
- Q. For soft launch- how much time do bidders have to submit missing documentation?
  - A. Bidders are expected to remit all required documentation at time of bid. We will work with bidders directly after the proposal is checked in and establish timeframe for submission of any missing documentation. Keep in mind that contracts cannot be awarded without certification of Good Faith Effort (GFE).

#### Questions from attendees at ASP-3 informational sessions – September 2020

Q: How big of a file can we send to the e-mail address: DBE\_Alert@dot.wi.gov?

A: The DBE\_Alert email box can accept files up to 25mg, however we recommend splitting files over 15mg, and labeling appropriately

Q: If a contractor enters more than one bid must he upload the DBE documents each time?

A: Only if it is the multiple bids are on different proposals. Attachments stay with the proposal

Q: Can we upload all the attachment A's into one file or do they need to be uploaded by each DBE firm?

A: Attachments A must be uploaded as one document

Q: Are there consequences to the DBE contractors who are habitually unresponsive or fail to sign the Attachment A?

A: WisDOT does not enact consequences for DBE contractors in these instances

Q: The process to compare DBE quotes versus non-DBE quotes seems vague. Is there a definitive percentage we should be using?

A: The regulation, 49 CFR Part 26, does not specify an acceptable amount of variation in DBE versus non-DBE bids, rather it uses the term "reasonable" costs.

Q: Are electronic signatures from a DBE acceptable on the attachment A?

A: Yes, electronic signatures are acceptable from the DBE and prime

Q: Even if a contractor meets the DBE goal, should a contractor submit the supplemental documentation anyways, just as a precaution?

A: The contractor may submit Form DT1202 with their bid even if they believe the goal was met. Supplemental GFE documentation is submitted via the DBE\_Alert email, separately

Q: When adding Neutral participation after project start, does the Prime need to sign those Attachment A's or will the 1506 suffice for those as well?

A: The prime must sign and submit Attachment A for neutral participation following contract execution but does NOT need to resubmit the DT1506.

Q: Current Attachment A has a box for total bid amount. This may not be known at time the DBE submits the form. Will this still be required?

A: The total bid amount will not be required to be included on the Attachment A.

Q: If documents have been uploaded prior to 11 am are we able to edit/make changes to the uploaded documents prior to the letting end?

A: Documents can be edited and reuploaded until the close of the letting at 11:00:00am.

Q: Would there be anything wrong with having DBE signatures on Attachment A's prior to bid with the agreement that prime and DBE discuss closer to bid time to work out the dollar amounts they would agree upon?

A: The DBE should only sign Attachment A that includes work items and dollar amounts that both parties are committing to

Q: If a DBE doesn't want to work with contractor x, all they have to do is fail to respond to contractor x and they can then potentially have their bid tossed. Is that an accurate scenario?

A: All contractors, DBE and non-DBE, can choose to whom they will submit quotes. The fact that a prime is unable to collect quotes from DBEs does not, in itself, cause the bid to be non-responsive. If the bid is submitted with all required documentation and the DBE goal is not met by the apparent low bidder, that bidder's GFE submission will be evaluated.

Q: How long does the neutral Participation or credit carry forward? 12 Months or only the construction season the bid is let?

A: Neutral participation (both commitments and payments) are reported in the federal fiscal year in which they occurred. That is why it is important to collect Attachment A as close to the commitment as possible so that we do not miss the reporting window.

Q: Is there a guideline to utilize to determine what is a reasonable vs. unreasonable quote from a DBE Subcontractor or Supplier?

A: The regulation does not provide further definition of reasonable cost. However, it is helpful to consider the amount that the difference in the DBE quote compared with the low quote represents to the bid as a whole.

Q: Even if a contractor meets the DBE goal, should a contractor submit the supplemental documentation anyways, just as a precaution?

A: This is an option that bidders can consider.

Q: If attachment A's when submitted at time of bid, and the following day, do not have signatures. Is this bid deemed non responsive? Hard to get signatures and a response from vendors, and subs in a timely manner sometimes.

A: Attachment A must be signed by DBEs in order for the DBE commitment to be included on the DT1506.

Q: If we don't have a signature on Attachment A we are better off submitting a bid [without that DBE's participation for credit] and not meeting goal so we are still responsive?

A: You should submit your bid with DBE quotes and submit signed Attachment A in the 24-hour supplemental material period. If you do not collect the Attachment A within that time frame your bid is at risk for being deemed non-responsive.

Q: What are your suggestions when DBE's state that they are unable to bid because they are at full work capacity?

A: Let the DBE Office know of any work areas in which it is challenging to engage DBEs and we will work with existing DBEs to expand capacity where applicable, as well as increase recruitment efforts for new DBEs.

Q: How should we handle obtaining DBE quotes when we do not have them in our local areas and counties?

A: DBEs can work all over the state so you are not limited to looking only in your local area. The DBE Directory shows the home regions for DBEs as well as the regions they have worked within the last 5 years on WisDOT projects. [www.wisconsindot.gov/DBEcontracting](http://www.wisconsindot.gov/DBEcontracting)

Q: What if a DBE will make a commitment to contractor A, but will not make one to contractor B. Could contract still be awarded to the second bidder based on the DBE commitment?

A: The regulation (49 CFR Part 26) notes that we must consider if any bidder met the DBE goal when evaluating good faith efforts. There are additional considerations for GFE analysis that can be viewed in Appendix A to the regulation, also attached to ASP-3.

Q: If a contractor enters more than one bid submittal for a project; must the contractor upload the DBE documents each time?

A: A contractor cannot submit more than one bid for a proposal. They may be referring to having already submitted a bid and wanting to modify the bid. In this case the documents that were initially uploaded will remain with the bid. A good way to verify this is to preview the attachment before you make the final submittal of the bid.

Q: Where is this interactive map?

A: The map can be found here-

<https://wisdot.maps.arcgis.com/apps/webappviewer/index.html?id=c7bfb3407c7d4e9dadbf0ccdf1d1cce4>

Q: Can we add DBE's after the bid if they were not part of our commitment at bid time?

A: We encourage you to add DBEs at any point after contract execution but they will NOT count towards commitment at time of bid. The DBE commitment submitted at time of bid is the amount used in analysis of good faith effort.

Q: What if your company does not have any work being bid in the next few months while the "soft" launch is occurring? Meaning, some contractors will not have the ability to practice to be sure they are in compliance with the new requirements, yet then will be held as non-responsive if they have an error beginning in Jan 2021. Has the office ensured it will have enough resources to assist other primes that need extra assistance in the bidding process after Jan 2021?

A: We recognize that there may be contractors that will not submit bids during the soft launch. We will make every effort to address questions that contractors may occur have concerning the bid submittal process. We strongly recommend you submit bids early so you have time to address any questions you may have. As a bidder you can submit a bid and withdraw the bid until you want to make a complete submittal. It will give you a trial run of what to expect and what you will need and allow time to resolve any issues or answer any questions if they occur.