

## Opportunity Programs Group

UPSTATE: 515 Broadway \* Albany, NY 12207-2964 \* Phone: (518) 257-3706 Fax: (518) 257-3100  
DOWNSTATE: One Penn Plaza, 52<sup>nd</sup> Floor \* New York, NY \* 10119-0098 \* Phone: (212) 273-5038 Fax: (212) 273-5121

### **“GOOD FAITH EFFORTS” GUIDELINES**

All firms selected to perform on DASNY contracts, that included M/WBE requirements, should use these Guidelines for the preparation of M/WBE Utilization Plans and all supporting “good faith efforts” documentation.

Responses to information in the Guidelines should be given in an item-by-item format following the numerical sequence as presented and submitted with your Request for Waiver to the Opportunity Programs Group.. If you fail to adequately document and respond to each item, it may result in a finding of non-compliance. If you need assistance, please contact the Opportunity Programs Group at (518) 257-3706 (Upstate) or (212) 273-5038 (Downstate).

### **GUIDELINES**

1. Attach a copy of the completed Utilization Plan in accordance with M/WBE goals established in the Contract Documents.
2. Submit a written request for a referral list of M/WBE's certified by Empire State Development by trade or service from the Opportunity Programs Group for subcontracting and procurement opportunities.
3. Provide a record of written solicitations made to NYS certified M/WBE's obtained from the NYS Empire State Development directory of certified businesses located at:  
<http://www.esd.ny.gov/MWBE/directorySearch.html> . Include dates and copies of solicitations made.
4. Contact all the Empire State Development certified M/WBEs posted in the list of interested subcontractors and suppliers posted on the DASNY's website:  
<http://www.dasny.org/construc/bidops/03C2.php>
5. Provide a record of advertisements placed in general circulation, trade and minority and women oriented publications. Include the name of publications and dates of advertisements.
6. Submit documentation that clearly demonstrates that you contacted all the M/WBEs identified through the outreach activities outlined above to determine their capacity to perform the applicable scope of work.

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## **“GOOD FAITH EFFORTS” GUIDELINES cont’d**

7. Provide a record of ALL responses received from New York State certified minority and women-owned business enterprises to any such advertisements and solicitations made. Include dates and copies of any written responses.
8. Provide a list of any pre-bid, pre-award, or other meetings attended with New York State certified minority or women owned businesses.
9. List the efforts undertaken to subdivide portions of the work into smaller components in order to increase New York State certified minority and women-owned business enterprise participation.
10. Did your firm solicit any New York State certified minority and women-owned business enterprises located outside the region where the scope of work is to be performed? If so, what actions were taken to contact and assess the financial ability of those firms to participate?
11. Provide a description of all relevant contract documents, plans or specifications, or documents describing the scope of work which was made available to New York State certified minority and women-owned business enterprises for the purposes of soliciting their bids. Include the dates and manner in which these documents were made available.
12. Were the same subcontract terms and conditions offered to New York State certified minority and women-owned business enterprises as those offered in the ordinary course of business and to other subcontractors?
13. Did your firm engage in direct in person or telephone negotiations with NYS certified M/WBE firms where quotes originally submitted were deemed as too high?
14. Has your firm made payments for work performed by New York State certified minority and women-owned business enterprises in a timely fashion for past work so as to facilitate continued performance by the certified businesses?
15. List any special considerations and/or concerns, which are preventing adequate New York State certified minority and women-owned business enterprises to participate.