



**Department of
Transportation**

***CONTRACTOR'S
DBE/MBE/WBE/SDVOB
SOLICITATION
AND
GOOD FAITH EFFORTS
GUIDE***

December 2019

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INTRODUCTION

This guide has been prepared to assist the Contractor in successfully complying with New York State Department of Transportation (NYSDOT) §102-12 DBE/MBE/WBE/SDVOB Participation requirements both Pre and Post Award as promulgated under 49 CFR 21, 49 CFR 26 and 17 NYCRR 35 and 5 NYCRR 140-145 and New York State Executive Law Article 17-B. The Contractor is responsible for ensuring that they understand these requirements as well as the differences between the DBE and MBE/WBE and SDVOB programs.

The Contract Owner/President may assign specific monitoring and duties to the firm's Civil Rights Officer, DBE/MBE/WBE/SDVOB Officer or to other personnel; however, the program responsibilities ultimately lie with the Owner/President.

This guide provides detailed instructions that include Notes, Best Practices and screen image Examples identifying effective solicitation and use of the DBE and MBE/WBE and SDVOB Directories. Additionally, each contractual Good Faith Effort is identified, followed by a list of Best Practices in an effort to assist the Contractor in performing and submitting a comprehensive Good Faith Effort package.

Hard copies of this guide, particularly the images of the software screens, will be much clearer and easier to understand when printed in color.

For more information see NYSDOT Standard Specifications §102-12 (hereinafter §102-12") or call the Office of Construction Pre-Award Unit at (518) 457-6472.

GOALS

Contracts let by the New York State Department of Transportation (NYSDOT) have contract requirements for Disadvantaged/Minority/Women's Business Enterprise/Service- Disabled Veteran -Owned Business (DBE/MBE/WBE/SDVOB) participation expressed as contract goals. Federal-Aid contracts have DBE goals. 100% State funded contracts (a/k/a Non-Federal-Aid contracts) have MBE/WBE goals identified as two separate goals that cannot be combined and a separate SDVOB Goal. Contract goals are expressed as a percentage of the total contract bid amount and are in effect for the duration of the contract.

Each contract Proposal Book 2 includes the *Goals for Disadvantaged/Minority/Women's Business Enterprise/Service- Disabled Veteran-Owned Business (DBE/MBE/WBE/SDVOB) Participation* page that identifies the DBE goal or the MBE/ WBE and SDVOB goals for the contract.

NOTE:

Contract goals may be amended by NYSDOT at any time prior to letting. It is the Contractor's responsibility to review the contract documents to determine if there are any amendments.

To receive notification of Amendments via e-mail you can submit a request to be placed on the Planholders list at <http://www.dot.ny.gov/doing-business/opportunities/const-planholder>. It is important to note that Amendments may have been issued prior to your placement on the Planholders list.

The contract documents are located at: <https://www.dot.ny.gov/portal/page/portal/doing-business/opportunities/const-notices>

SOLICITATION

When to Solicit

Pre-award:

Solicit as soon as possible after advertisement to allow sufficient time for DBE/MBE/WBE/SDVOBs to prepare and submit a quote, ask questions, etc.

Post award:

Solicitation is required in the following circumstances if the goal(s) have not been met:

- whenever a new opportunity occurs (e.g., new work is added to the contract, a non-DBE/MBE/WBE/SDVOB is no longer available to perform the work, etc.)
- to backfill a DBE/MBE/WBE/SDVOB's participation that was lost due to elimination of work, reduced quantities, etc.
- to replace a DBE/MBE/WBE/SDVOB that is no longer available to perform the work.

Method/Frequency of Solicitation

Using the appropriate Directories, identify and solicit all DBE/MBE/WBE/SDVOB's (in the appropriate geographic area) that are certified to perform and or supply/manufacture any of the contract work items. Two methods of solicitation are required and should occur several days apart. All solicitation efforts and responses should be documented in preparation to be submitted for review if the DBE/MBE/WBE/SDVOB goals are not met.

NOTE:

It is recommended that the Contractor use the *AAP10 DBE/MBE/WBE/SDVOB Solicitation Log* to document solicitation efforts and responses received because this form will be required to be submitted Pre-Award and Post-award as part of the Contractors Good Faith Effort if the DBE/MBE/WBE/SDVOB goals have not been met. Contractors can submit their own version of the *Solicitation Log & Notes* but, it must include all of the required information and selections identified in the AAP10 drop downs. If the Contractor has been identified as Apparent Low Bidder or Best Value Designee and the *AAP10 DBE/MBE/WBE/SDVOB Solicitation Log* is determined to be incomplete or does not provide the required information to allow Pre-award to evaluate if the Contractor's Good Faith Efforts were sufficient then they risk the Department rejecting their Bid. The *AAP10 Solicitation Log* is located at:

<https://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information/civil-rights>

Content of Solicitation

Include the following information in your solicitations:

- Contract description;
- Letting date;
- Work contained in the contract for which the Bidder is requesting quotes;
- Special conditions, licensing requirements, etc.;
- Contact person and information;
- Links to any electronically posted plans, contract documents, etc.

Identify bonding requirements and provide information on whether you will waive bonding or where the DBE/MBE/WBE/SDVOB can obtain bonding assistance. Bonding assistance is available through the following agencies:

- Small Business Administration - www.sba.gov; and,
- United States Department of Transportation (USDOT), Office of Small and Disadvantaged Business Utilization (OSDBU) - www.osdbu.dot.gov

How to Identify Contract Opportunities and Available DBE/MBE/WBE/SDVOBs

Examine the scope of the contract and identify sufficient opportunities for available DBE/MBE/WBE/SDVOBs to meet the goals. In addition to subcontracting opportunities, consider: materials supply; manufacturing/fabrication; trucking; and, professional services (e.g., CPM scheduling, environmental testing, security services, etc.).

Follow the recommended distances in §102-12 H.2. when considering how far a firm would likely travel based on the type of work. Typically, a higher dollar value for an operation will be more cost-effective and encourage DBE/MBE/WBE/SDVOBs to travel over a longer distance; however, operations with high mobilization or fuel costs typically discourage DBE/MBE/WBE/SDVOBs from travelling long distances.

Query the appropriate Directory, based on the funding source of the contract, to identify DBE/MBE/WBE/SDVOBs. The Directories use different code systems to list the work that the firms are certified to perform. Each Directory will be discussed separately later in this Guide. Solicit all the identified firms based on the search results, if their certification matches what you are soliciting for. If, for example, there are 6 DBE/MBE/WBE/SDVOBs available to do guiderail work based on the search results and the Contractor solicits only 3 of the 6 DBE/MBE/WBE/SDVOBs, this does not constitute adequate good faith effort. Provide an explanation for firms not solicited. Do not solicit firms for work that they are not certified for perform nor for work that is not in the contract. Solicitations will be verified by the Department when evaluating a Good Faith Effort submittal.

It is important to note that DBE/MBE/WBE/SDVOBs can only be credited for the certification codes that are listed in the Directory. A business description or what the DBE/MBE/WBE/SDVOB claims they can perform/supply is not proof of certification.

Conduct searches in the appropriate Directory using the codes that correspond to items from the pay item list in the contract proposal. The NYSUCP DBE Directory and the NYS MBE/WBE/SDVOB Directories have different code search options. When using the NYSUCP DBE Directory (Federal-Aid), the NYSDOT Construction Work Code and the North American Industry Classification System (NAICS) categories yield maximum results. When using the NYS MBE/WBE and SDVOB Directories (non- Federal-Aid), the NAICS and the National Institute of Government Purchasing (NIGP) categories yield maximum results.

For more information regarding NAICS, go to the NAICS web site at:
<https://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>

NYSDOT has developed a Crosswalk chart that equates NYSDOT Work Codes/ Pay Items with NAICS/NIGP codes. The Crosswalk chart can be found at:

<https://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information/civil-rights>

The Crosswalk chart is a dynamic document that will be updated as new pay items or codes are created, old codes are retired, and code definitions change. If there are any questions or suggestions about the chart, please call the Office of Construction Pre-Award Unit at (518) 457-6472.

The directories are updated each business day; therefore, always consult the appropriate directory in order to verify current certification and contractor contact information. Do not solicit from an “in-house” self-created database or listing because it will not contain current, correct or complete information. Do not download and solicit an entire Directory since outreach should be narrowly focused, targeted and result oriented. Any solicitation effort that is not based on searches of the appropriate directory, corresponding to the scope of the contract, is not considered good faith effort.

NOTE: Opportunities such as materials supply, manufacturing/fabrication, trucking, and professional services may not have a contract pay item in the contract proposal. For supply and manufacturing/fabrication, the NYSDOT Construction Work Codes are the Materials and Manufacturing 700 series in NYSDOT’s Standard Specifications. For trucking, the NYSDOT Construction Work Codes are a supplementary 800 series that are not pay items. For professional services, the NYSDOT Construction Work Codes are a supplementary 900 series that are not pay items. If a NYSDOT pay item or Construction Work Code does not exist for what is being sought, a NAICS or NIGP code can be identified by using a key word search. Identifying an applicable NAICS or NIGP code using a key word search will be explained later in this guide. Use the Crosswalk chart to assist with identifying corresponding NAICS/NIGP codes with NYSDOT Work codes and Key words.

Any errors or discrepancies in the NYSUCP DBE Directory should be reported to the certifying agency that is listed for that firm. Any errors or discrepancies in the NYS MBE/WBE Directory should be reported to the Empire State Development Corporation, Division of Minority and Women’s Business Development. Any errors or discrepancies in the SDVOB Directory should be reported to the New York State Office of General Services.

NEW YORK STATE UNIFIED CERTIFICATION PROGRAM (NYSUCP) DBE DIRECTORY

Federal-Aid Contracts

Federal-Aid contracts require the contractor to use certified DBE firms for goal attainment. The firms are listed in the NYSUCP DBE Directory. The NYSUCP is comprised of 4 Partner agencies. Firms are certified as DBEs by any of the following NYSUCP Partners:

- New York State Department of Transportation
- Metropolitan Transportation Authority
- Niagara Frontier Transportation Authority
- Port Authority of New York and New Jersey

The NYSUCP does not have reciprocity with any other state or agency. DBEs must be certified by the NYSUCP in order to be credited toward the DBE goal on NYSDOT Federal-Aid contracts. The NYSUCP DBE Directory is available online at:

<https://nysucp.newnycontracts.com/>

Using the NYSUCP Directory

Use the NYSUCP Directory to verify DBE certification, to locate firms geographically, and to identify firms to perform specific work operations, supply materials, etc.

To verify DBE certification, use the following search options:

- Search by Business Name or DBA
- Search by Contact Person (First name and/or Last name)

To identify firms to perform specific work operations, supply materials, etc. use the Search by Commodity Code option. The code categories are:

- NAICS: North American Industry Classification System
- NYSDOT Construction: NYSDOT Construction Work Codes-
NOTE: the NYSDOT Work codes are currently being phased out of the certifications
- NYSDOT Consultant: NYSDOT Consultant Work Codes
- PANYNJ: Port Authority of New York and New Jersey Work Codes

NOTE: Searches can also be performed by entering a Contract Item or Key word in the Business Description box. Only use single words for best results. Different spellings of words will yield different search results (ex. fence, fencing, survey, surveying, etc.). It is important to note that the fact that a search by business description resulted in yielding DBE's does not ensure that they are certified to perform the Item listed in the business description. You will need to verify that they have the correct code associated with that Item in their certification.

To locate firms geographically, use the Search by Location (County) search option because the NYSUCP DBE Directory does not have a search by NYSDOT Region option. A listing of NYSDOT Regions and corresponding counties is available online at:

<https://www.dot.ny.gov/regional-offices>

DBE Directory Search Examples

To search for DBE's who are certified for - Landscaping

Using the *Search by Commodity Code* option you can select your search by:

- NYSDOT Construction Work Code and enter 610
- NAICS Code 561730 (corresponds to NYSDOT Work Code 610, see Crosswalk chart)

BEST PRACTICE: USE NAICS WITH THE SUB-DESCRIPTOR TO IDENTIFY THE MAXIMUM NUMBER OF AVAILABLE FIRMS THAT PERFORM THAT WORK

Using the *Search by Location* option, select the counties of the Region where the contract is located as well as additional counties (see §102-12 H.2). For the example below, presume that the contract is located in Region 5. For landscaping work, the counties in Regions 4, 5 and 6 were included in the search criteria.

Figure 1 – Search Results – Landscaping firms using NYSDOT Construction Work Code 610

Search Parameters Edit Parameters Clear Parameters

Certifications	Disadvantaged Business Enterprise (DBE) Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
Commodity Codes	NYSDOT Construction 610: GROUND VEGETATION - PREPARATION, ESTABLISHMENT AND MANAGEMENT
County	Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Wayne, Wyoming, Yates

Search Again
Download Search Results

Search Results 4 firms with 4 certifications found

Click the certification type for contact information and certification details

Vendor	Location	Certification
A Vaillancourt LLC	CLARENCE, NY	NFTA DBE
Certified Safety Products of NY Inc.	Andover, NY	NYSDOT DBE
NATURAL RESTORATIONS BY LINDA J & CO INC	GETZVILLE, NY	NYSDOT DBE
Scott Lawn Yard Inc.	NIAGARA FALLS, NY	NFTA DBE

Figure 2 – Search Results – Landscaping firms using NAICS 561730

Search Parameters

Certifications	Disadvantaged Business Enterprise (DBE) Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
Commodity Codes	NAICS 561730: Landscaping Services
County	Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Wayne, Wyoming, Yates

Search Results

7 firms with 7 certifications found

Click the certification type for contact information and certification details

Vendor	Location	Certification
A Vaillancourt LLC	CLARENCE, NY	NFTA DBE
C & R HOUSING INC	BUFFALO, NY	NFTA DBE
Eastwood Industries, Inc.	COLDEN, NY	NYSDOT DBE
Kham Enterprises LLC	WEBSTER, NY	NFTA DBE
NATURAL RESTORATIONS BY LINDA J & CO INC	GETZVILLE, NY	NYSDOT DBE
Sheen & Shine, Inc.	Rochester, NY	NFTA DBE
Washington Property Management	ROCHESTER, NY	NYSDOT DBE

To search for DBE’s who are certified as Material Supplier/Merchant Wholesalers for – Geosynthetics

Using the *Search by Commodity Code* option you can select your search by :

- NYSDOT Materials Work Code and enter 737
- NAICS Code 423390 (corresponds to NYSDOT Work Code 737, see Crosswalk chart). Given that NAICS 423390 category includes a variety of materials, select 423390 that has the sub-descriptor *Silt fence and other fabrics (e.g., for erosion control') merchant wholesalers*.

Using the *Search by Location* option, select the counties of the Region where the contract is located as well as additional counties (see §102-12 H.2). For this example, presume that the contract is also located in Region 5. For supply, the counties in Regions 4, 5 and 6 were included in the search criteria.

Figure 3 – Search Results – Geosynthetics supply firms using NYSDOT Construction Work Code 737

Search Parameters

Certifications	Disadvantaged Business Enterprise (DBE) Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
Commodity Codes	NYSDOT Construction 737: GEOSYNTHETICS
County	Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Wayne, Wyoming, Yates

Search Results 1 firm with 1 certification found

Click the certification type for contact information and certification details

Vendor	Location	Certification
Southern Tier Municipal & Construction Supply, DBA SOUTHERN TIER MUNICIPAL & CONSTR SUPPLY CO INC	JAMESTOWN, NY	NYSDOT <u>DBE</u>

Figure 4 – Search Results – Geosynthetics supply firms using NAICS 423390 Silt fence and other fabrics (e.g., for erosion control) merchant wholesalers

Search Parameters

Certifications	Disadvantaged Business Enterprise (DBE) Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
Commodity Codes	NAICS 423390: Silt fence and other fabrics (e.g., for erosion control) merchant wholesalers
County	Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Wayne, Wyoming, Yates

Search Results 1 firm with 1 certification found

Click the certification type for contact information and certification details

Vendor	Location	Certification
Southern Tier Municipal & Construction Supply, DBA SOUTHERN TIER MUNICIPAL & CONSTR SUPPLY CO INC	JAMESTOWN, NY	NYSDOT <u>DBE</u>

Special Specifications

The NYSUCP DBE Directory only has NYSDOT codes that are based on the NYSDOT Standard Specifications. Special Specifications do not appear in that Directory. In these situations, search the NAICS category based on a key word, then select the NAICS code with the appropriate sub-descriptor.

For this example, presume that the contract includes a special specification for 634 Rodent and Vermin Control. When using the *Search by Commodity Code* option you can select:

- Search by NYSDOT Construction Work Code and enter 634- A message will appear that says: No codes found that match search term.
- Search by NAICS – Key Word (When searching by “Key word” make sure to limit it to a single word)
- Search by NAICS Code 561710 (corresponds to NYSDOT Work Code 999 Miscellaneous Pest Control, see Crosswalk chart).

Figure 5 – Search Results – NYSDOT Construction Work Code 634

Search Commodity Codes

Click any **Add** link to select a code. You can also search again, sort the list, or click **Browse Codes** to browse through the entire code list. If multiple codesets are available, you can change the selected codeset in the drop down list under the search box. Click **Browse Codes** to view the code set list. When finished, click **Finish** to close this panel.

634

NYSDOT Construction: NYSDOT Construction Work Codes

No codes found that match search term.

Enter the key word “rodent” using the category of NAICS. The options that appear do not correspond to what is being sought.

Figure 6 – Search Results – NAICS key word rodent

Search Commodity Codes

Click any **Add** link to select a code. You can also search again, sort the list, or click **Browse Codes** to browse through the entire code list. If multiple codesets are available, you can change the selected codeset in the drop down list under the search box. Click **Browse Codes** to view the code set list. When finished, click **Finish** to close this panel.

rodent

NAICS: North American Industry Classification System

To sort, click column title.

Actions	Code Type	Code	Code Description
Add	NAICS	325320	Pest (e.g., ant, rat, roach, rodent) control poison manufacturing
Add	NAICS	325320	Rodent poisons manufacturing
Add	NAICS	325320	Rodenticides manufacturing

1 - 3 of 3 records displayed

An alternative key word will have to be used to find a NAICS code. Enter the key word “pest” using the NAICS category. When searching by “Key word” make sure to limit it to a single word. The search results yield the NAICS code 561710 Exterminating and Pest Control Services. The sub-descriptor *Pest control (except agricultural, forestry) services* is the best match.

BEST PRACTICE: SEARCH BY KEY WORD, USING ALTERNATIVE KEY WORDS AS NEEDED, TO IDENTIFY THE NAICS CODE WITH THE SUB-DESCRIPTOR THAT BEST MATCHES THE WORK

Presume that the contract is located in Region 11. For this professional service, the counties in Regions 10 and 11 were included in the search criteria.

Figure 7 – Search Results – Rodent and vermin control firms using NAICS 561710 Pest control (except agricultural, forestry) services

Search Parameters

Certifications	Disadvantaged Business Enterprise (DBE) Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
Commodity Codes	NAICS 561710: Pest control (except agricultural, forestry) services
County	Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk

Search Results
1 firm with 1 certification found

Click the certification type for contact information and certification details

Vendor	Location	Certification
Joe's Pest Control LLC	BROOKLYN, NY	PANYNJ <u>DBE</u>

NEW YORK STATE MBE/WBE /SDVOB DIRECTORIES

Non- Federal-Aid Contracts

Non- Federal-Aid contracts require the low bidder to use certified MBE/WBE and SDVOB firms for separate goal attainment. The certified firms are listed at the following Directories, respectively:

The Empire State Development Corporation (ESDC) certifies MBE/WBEs. ESDC does not have reciprocity with any other state or agency. MBE/WBEs must be certified by ESDC in order to be credited toward the MBE/WBE goals on NYSDOT Non- Federal-Aid contracts. The participation of a firm that is certified as both an MBE and a WBE can only be counted toward one goal and cannot be divided between the two goals.

NYS MBE/WBE Directory online at: <https://ny.newnycontracts.com/>

The NYS Office of General Services certifies the Service-Disabled Veteran-Owned Businesses The Directory of NYS Service-Disabled Veteran Owned Businesses is available on line at:

<https://online.ogs.ny.gov/SDVOB/search>

Using the NYS M/WBE Directory

Use the NYS MBE/WBE Directory to verify MBE/WBE certification, to locate firms geographically, and to identify firms to perform specific work operations, supply materials, etc.

To verify MBE/WBE certification, the following search options are used:

- Search by Business Name or DBA
- Search by Contact Person (First name and/or Last name)

To identify firms to perform specific work operations, supply materials, etc. use the Search by Commodity Code option. The code categories are:

- CSI: Construction Specifications Institute Divisions
- NAICS: North American Industry Classification System
- NIGP: National Institute of Government Purchasing
- NYSDOT Construction: NYSDOT Construction Work Codes- We recommend not searching the NYSDOT Work codes because they were never entered in the certifications or are being phased out of the certifications and will yield incomplete results
- NYSDOT Consultant: NYSDOT Consultant Work Codes

As noted previously in this guide we recommend that you use the Crosswalk chart to assist with identifying corresponding NAICS/NIGP codes with NYSDOT Work codes and Key words.

The Crosswalk chart can be found at: <https://www.dot.ny.gov/main/business-center/contractors/construction-division/forms-manuals-computer-applications-general-information/civil-rights>

For more information regarding NAICS, go to the NAICS web site at: <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>

NOTE: Searches can also be performed by entering a Contract Item or Key word in the Business Description box. Only use single words for best results. Different spellings of words will yield different search results (ex. fence, fencing, survey, surveying, etc.). It is important to note that the fact that a search by business description resulted in yielding MBE/WBEs that does not ensure that they are certified to perform the Item listed in the business description. You will need to verify that they have the correct code associated with that Item in their certification.

When using the MBE/WBE Directory to locate firms geographically, the Search by Work Districts/Regions and Search by Reference (General Location and Location) options are jointly used.

The selections under Search by Work Districts/Regions and Search by Reference (Location) should match. Under Search by Reference (General Location), Downstate corresponds to ESDC’s Work Districts/Regions of Long Island, New York City, and Mid-Hudson. Upstate corresponds to the remaining Work Districts/Regions.

The chart below shows which Work District/Region correspond to which NYSDOT Region:

NYSDOT Region	ESDC Work Districts/Regions	NYSDOT Region	ESDC Work Districts/Regions
Region 1	Capital Region	Region 7	North Country
Region 2	Mohawk Valley	Region 8	Mid-Hudson
Region 3	Central NY + Finger Lakes	Region 9	Southern Tier
Region 4	Western NY	Region 10	Long Island
Region 5	Western NY	Region 11	NYC
Region 6	Southern Tier + Finger Lakes		

MBE/WBE Directory Search Examples

To search for MBE/WBE’s who are certified for Subcontracting – 610 Landscaping

Using the Search by Commodity Code option, enter 561730 if searching by NAICS or 98852 if searching by NIGP.

BEST PRACTICE: USE NAICS WITH THE SUB-DESCRIPTOR TO IDENTIFY THE MAXIMUM NUMBER OF AVAILABLE FIRMS THAT PERFORM THAT WORK

Using the Search by Work Districts/Regions option, select the areas of the State that correspond to the Region where the contract is located as well as additional areas (see §102-12.H.2). For this example, presume that the contract is located in Region 5. For landscaping work, the Western NY, Finger Lakes and Southern Tier areas were included in the search criteria.

Figure 8 – Search Results – Landscaping firms using NAICS 561730

Search Parameters		
Certifications	Minority Business Enterprise (MBE) Women Business Enterprise (WBE)	
Commodity Codes	NAICS 561730: Landscaping Services	
Work Districts/Regions	Finger Lakes, Southern Tier, Western NY	
<input type="button" value="Edit Parameters"/> <input type="button" value="Clear Parameters"/>		
<input type="button" value="Search Again"/> <input type="button" value="Download Search Results"/>		
Search Results		36 firms with 37 certifications found
<small>Click the certification type for contact information and certification details</small>		
Vendor	Location	Certification
Alive Structures, LLC, DBA Alive Structures	Brooklyn, NY	WBE
BANC 3, Inc., PC	Princeton, NJ	MBE
Bedford Landscape Contractors, LLC	Staten Island, NY	MBE
Bill's Topsoil Sand & Gravel, LLC	Rochester, NY	MBE
Billie Cohen LTD	New York, NY	WBE
Broccolo Tree& Lawn Care Inc.	Rochester, NY	WBE
Chenango Contracting, Inc.	Johnson City, NY	MBE
Constantine Construction & Farm Inc	Loudonville, NY	WBE
Curb Allure LLC, DBA Curb Allure	New York, NY	WBE
D.I.R.T. studio, LLC, DBA D.I.R.T. studio	Charlottesville, VA	WBE
DU-ALL Industries, LLC	Riverhead, NY	MBE
Edgewater Design LLC	south orange, NJ	WBE
Evergreen Environments LLC	SANDY HOOK, CT	WBE

Figure 9 – Search Results – Landscaping firms using NIGP 98852

Search Parameters

Certifications	Minority Business Enterprise (MBE) Women Business Enterprise (WBE)
Commodity Codes	NIGP 98852: Landscaping, Including Design, Fertilizing, Planting, etc., Not Grounds Maintenance or Tree Trimming Services
Work Districts/Regions	Finger Lakes, Southern Tier, Western NY

Search Results

15 firms with 16 certifications found

Click the certification type for contact information and certification details

Vendor	Location	Certification
A Robles LLC	Stamford, CT	MBE
BANC 3, Inc., PC	Princeton, NJ	MBE
Bedford Landscape Contractors, LLC	Staten Island, NY	MBE
Chenango Contracting, Inc.	Johnson City, NY	MBE
Curb Allure LLC, DBA Curb Allure	New York, NY	WBE
Gin Skye Construction, Inc.	Westbury, NY	WBE
Landscapes by Copeland	Buffalo, NY	MBE WBE
Millers Landscaping, LLC	VERONA, NY	WBE
MVK LANDSCAPING INC, DBA The Red Barn Farm & Nursery	WAPPINGERS FALLS, NY	WBE
Natural Restorations By Linda J & Co Inc	Getzville, NY	WBE
North-Forty Acres of Marcy	Marcy, NY	WBE
Rock N Mulch Tree Farm, LLC, DBA Brewer Lawn Maintenance	Newburgh, NY	WBE

To search for MBE/WBEs who are certified as Material Supplier/Merchant Wholesalers for – NYSDOT Code 708 Paint

Using the Search by Commodity Code option, enter 424950 if searching by NAICS or 63000 if searching by NIGP. Given that NAICS 424950 category includes a variety of materials, select 424950 that has the sub-descriptor *Paint, Varnish, and Supplies Merchant Wholesalers*.

Using the Search by Work Districts/Regions option, select the areas of the State that correspond to the Region where the contract is located as well as additional areas (see §102-12 H.2). For this example, presume that the contract is located in Region 1. For supply, the Capital Region, Central NY, Finger Lakes, Mohawk Valley, North Country, Mid-Hudson and Southern Tier areas were included in the search criteria.

Figure 10 – Search Results – Paint supply firms using NAICS 424950 Paint, Varnish, and Supplies Merchant Wholesalers.

Search Parameters

Certifications	Minority Business Enterprise (MBE) Women Business Enterprise (WBE)
Commodity Codes	NAICS 424950: Paint, Varnish, and Supplies Merchant Wholesalers
Work Districts/Regions	Capital Region, Central NY, Finger Lakes, Mid-Hudson, Mohawk Valley, North Country, Southern Tier

Search Results 12 firms with 14 certifications found

Click the certification type for contact information and certification details

Vendor	Location	Certification
A LAUGENI & SON INC	WEST HAVEN, CT	WBE
Accidental Shopping	New York, NY	WBE
BTE Enterprises, LLC	Kent, OH	MBE
CGP Properties LLC, DBA Saybrook Paints	Tonawanda, NY	MBE
Daniels Paint & Decorating Center, Inc.	Binghamton, NY	WBE
Decorator's Choice of Hornell, Inc.	Hornell, NY	WBE
FCS Group LLC	Maspeth, NY	MBE
Globe Electric Supply Co. Inc., DBA Globe Electric Co. Inc.	Houston, TX	WBE
Oriental Lumber Inc	Brooklyn, NY	MBE WBE
Painted Pieces Ltd	Huntington Station, NY	WBE
The Outsource Center, LLC	Buffalo, NY	MBE
Wooster Products Inc.	Wooster, OH	MBE WBE

Figure 11 – Search Results – Paint supply firms using NIGP 63000 Paint, Protective Coatings, Varnish, Wallpaper, and Related Products

Search Parameters

Certifications	Minority Business Enterprise (MBE) Women Business Enterprise (WBE)
Commodity Codes	NIGP 63000: PAINT, PROTECTIVE COATINGS, VARNISH, WALLPAPER, AND RELATED PRODUCTS
Work Districts/Regions	Capital Region, Central NY, Finger Lakes, Mid-Hudson, Mohawk Valley, North Country, Southern Tier

Search Results

11 firms with 13 certifications found

Click the certification type for contact information and certification details

Vendor	Location	Certification
A LAUGENI & SON INC	WEST HAVEN, CT	WBE
Accidental Shopping	New York, NY	WBE
BTE Enterprises, LLC	Kent, OH	MBE
Daniels Paint & Decorating Center, Inc.	Binghamton, NY	WBE
Decorator's Choice of Hornell, Inc.	Hornell, NY	WBE
FCS Group LLC	Maspeth, NY	MBE
Globe Electric Supply Co. Inc., DBA Globe Electric Co. Inc.	Houston, TX	WBE
Oriental Lumber Inc	Brooklyn, NY	MBE WBE
Painted Pieces Ltd	Huntington Station, NY	WBE
The Outsource Center, LLC	Buffalo, NY	MBE
Wooster Products Inc.	Wooster, OH	MBE WBE

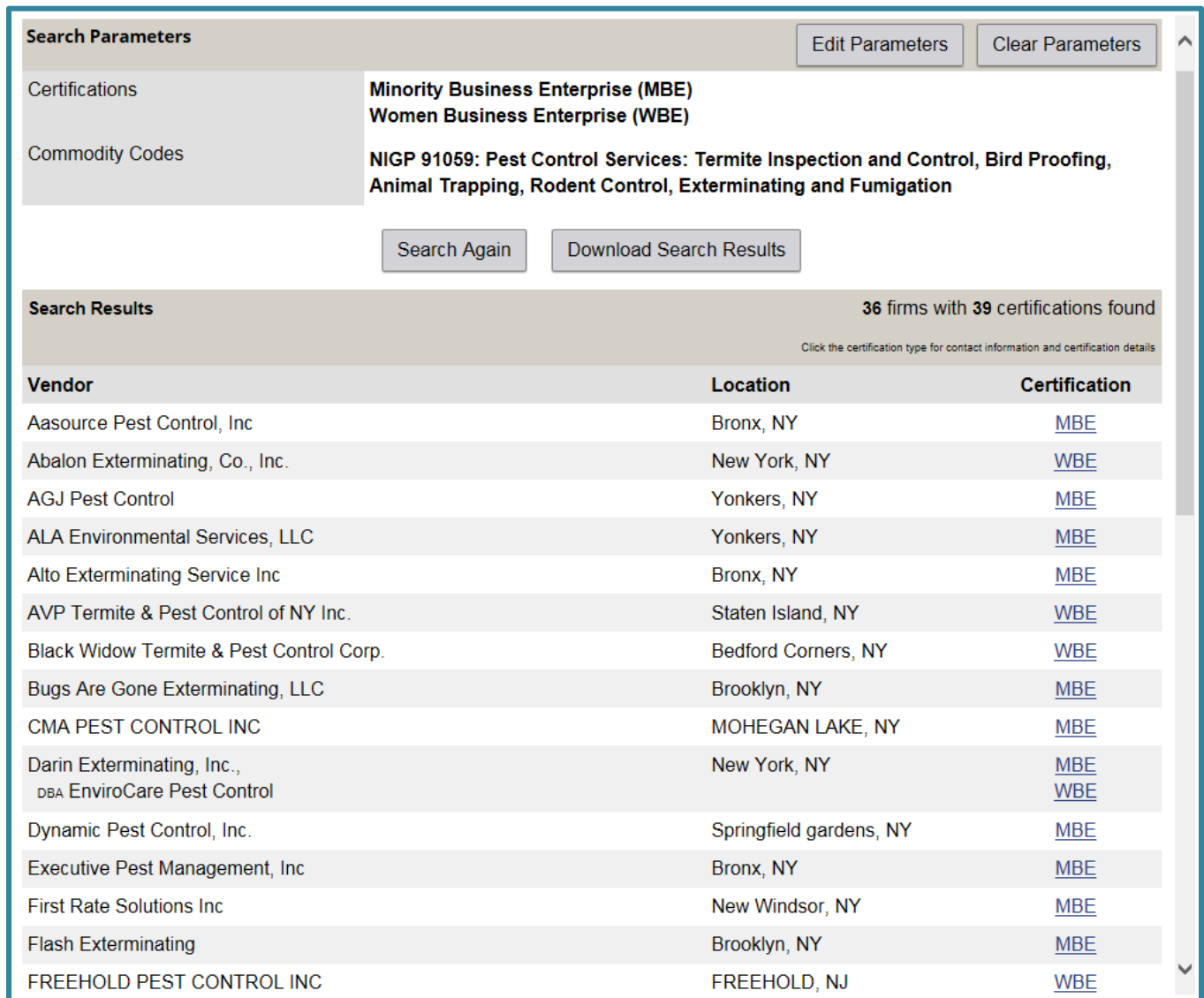
Special Specifications

For this example, presume that the contract includes a special specification for 634 Rodent and Vermin Control.

[If searching by NAICS, see this example in the NYSUCP DBE Directory section on pages 10-11].

Enter the key word “rodent” using the category of NIGP. Of the options that appear, the code 91059 is the best match.

Figure 12 – Search Results – NIGP key word rodent



Search Parameters Edit Parameters Clear Parameters

Certifications: **Minority Business Enterprise (MBE)**
Women Business Enterprise (WBE)

Commodity Codes: **NIGP 91059: Pest Control Services: Termite Inspection and Control, Bird Proofing, Animal Trapping, Rodent Control, Exterminating and Fumigation**

Search Again Download Search Results

Search Results 36 firms with 39 certifications found
Click the certification type for contact information and certification details

Vendor	Location	Certification
Aasource Pest Control, Inc	Bronx, NY	MBE
Abalon Exterminating, Co., Inc.	New York, NY	WBE
AGJ Pest Control	Yonkers, NY	MBE
ALA Environmental Services, LLC	Yonkers, NY	MBE
Alto Exterminating Service Inc	Bronx, NY	MBE
AVP Termite & Pest Control of NY Inc.	Staten Island, NY	WBE
Black Widow Termite & Pest Control Corp.	Bedford Corners, NY	WBE
Bugs Are Gone Exterminating, LLC	Brooklyn, NY	MBE
CMA PEST CONTROL INC	MOHEGAN LAKE, NY	MBE
Darin Exterminating, Inc., DBA EnviroCare Pest Control	New York, NY	MBE WBE
Dynamic Pest Control, Inc.	Springfield gardens, NY	MBE
Executive Pest Management, Inc	Bronx, NY	MBE
First Rate Solutions Inc	New Windsor, NY	MBE
Flash Exterminating	Brooklyn, NY	MBE
FREEHOLD PEST CONTROL INC	FREEHOLD, NJ	WBE

Presume that the contract is located in Region 11. For this professional service, the NYC and Long Island areas were included in the search criteria.

Figure 13 – Search Results – Rodent and vermin control firms using NAICS 561710 Pest control (except agricultural, forestry) services

Search Parameters		
Certifications	Minority Business Enterprise (MBE) Women Business Enterprise (WBE)	
Commodity Codes	NAICS 561710: Pest control (except agricultural, forestry) services	
Work Districts/Regions	Long Island, NYC	
<input type="button" value="Search Again"/> <input type="button" value="Download Search Results"/>		
Search Results		5 firms with 5 certifications found
<small>Click the certification type for contact information and certification details</small>		
Vendor	Location	Certification
A-Eco Clean Environment LLC	Bronx, NY	MBE
Dynamic Pest Control, Inc.	Springfield gardens, NY	MBE
H.S. Microbial Solutions Inc.	Buffalo, NY	MBE
Mateo Pest Services, Inc	Queens, NY	MBE
Pestrol Inc	New York, NY	WBE

Figure 14 – Search Results – Rodent and vermin control firms using NIGP 91059

Search Parameters		
Certifications	Minority Business Enterprise (MBE) Women Business Enterprise (WBE)	
Commodity Codes	NIGP 91059: Pest Control Services: Termite Inspection and Control, Bird Proofing, Animal Trapping, Rodent Control, Exterminating and Fumigation	
Work Districts/Regions	Long Island, NYC	
<input type="button" value="Search Again"/> <input type="button" value="Download Search Results"/>		
Search Results		34 firms with 37 certifications found
<small>Click the certification type for contact information and certification details</small>		
Vendor	Location	Certification
Aasource Pest Control, Inc	Bronx, NY	MBE
Abalon Exterminating, Co., Inc.	New York, NY	WBE
AGJ Pest Control	Yonkers, NY	MBE
ALA Environmental Services, LLC	Yonkers, NY	MBE
Alto Exterminating Service Inc	Bronx, NY	MBE
AVP Termite & Pest Control of NY Inc.	Staten Island, NY	WBE
Black Widow Termite & Pest Control Corp.	Bedford Corners, NY	WBE
Bugs Are Gone Exterminating, LLC	Brooklyn, NY	MBE
CMA PEST CONTROL INC	MOHEGAN LAKE, NY	MBE
Darin Exterminating, Inc., DBA EnviroCare Pest Control	New York, NY	MBE WBE
Dynamic Pest Control, Inc.	Springfield gardens, NY	MBE
Executive Pest Management, Inc	Bronx, NY	MBE
First Rate Solutions Inc	New Windsor, NY	MBE
Flash Exterminating	Brooklyn, NY	MBE

Using the Directory of NYS Service-Disabled Veteran-Owned Businesses

Use the Directory of NYS Service-Disabled Veteran-Owned Businesses to verify SDVOB certification, to locate firms geographically, and to identify firms to perform specific work operations, supply materials, etc.

Link to the SDVOB Directory: <https://online.ogs.ny.gov/SDVOB/search>

Searches can be performed using the following Search Boxes:

- Key Word- can also search by Business Name and Certification Number
- Business Category-search can be refined by selecting specific Business category
- Location- Search by county

SDVOB Directory Search Examples

- Using the *Search by Key Word*- type in *Fencing* to search for SDVOBs who are certified for Subcontracting, Material Wholesale Supplying, Fabricating, Equipment, Rental, Manufacturing, Trucking or Professional Service

NOTE: Only use single words for best results. Different spellings of words will yield different search results (ex. fence, fencing, survey, surveying, etc.). It is important to note, the fact that a search by *Key Word* resulted in yielding SDVOBs does not ensure that they are certified to perform the Item listed in the business description. You will need to verify that they have the correct code associated with that Item in their certification (see *Figure 3*).


- Refine your search to the contract location using the *Search by Location* option, select a single county where the contract is located. The Directory does not allow for multiple county selections at once, so you will need to repeat this search for additional counties (see §102-12 H.2 for appropriate geographic area). For the example below, presume that the contract is located in Region 8- *Dutchess County* was selected.

NOTE: Although the search is by *Dutchess County* the Directory identifies the areas the SDVOBs are willing to work in. This can be viewed when you click on a specified SDVOB (see *Figures 2 & 3*)

Figure 1 – Search by – Key Word -Fencing, Location-Dutchess County

Directory of New York State Certified Service-Disabled Veteran-Owned Businesses


KEYWORD



Search by Keyword or Certification Number

Enter a keyword, business name, or SDVOB Certification Number.


CATEGORY



Search by Business Category

Select a business category to view all certified-disabled veteran-owned businesses within that industry.

COUNTIES SERVED



Search by Where We Work

Select a county to view all certified-disabled veteran-owned businesses that do business within that county.

After selecting *KEY-Word* and *Location* click on the *SEARCH* button for you search results. The example used has yielded 3 SDVOBs that include Fencing in their work description in the Dutchess County area.

To verify the SDVOBs certification and see their complete information click on each SDVOB highlighted name. (see *Figure 2 & 3*)

NOTE: You can download the complete search results by either PDF or EXCEL by using the corresponding Buttons.

Figure 2- Search Results-Yields 3 SDVOBs in the Dutchess County area. This screen shot only represents 1 of the 3 SDVOBs from the search results.

(Can click on highlighted SDVOB for complete certification information see Figure 3)

Your search returned 3 certified Service-Disabled Veteran-Owned Businesses						
Download PDF			Download Excel			
Business Name	Address	Phone	Email	Category	Home Region	NYS Centralized Contract Title
Veteran Fencing, LLC	877 Route 4 S Schuylerville, New York 12871	(518) 669- 4873	wstanton@vetfence.com	Construction Horizontal: Highways & Roadways; Maintenance, Repair & New Construction Construction Vertical: Building Construction; Rehabilitation & New Construction Facilities, Maintenance, Repair & Building Operations	Capital Region	N/A




Figure 3- Example of individual SDVOB's complete Certification information including Specific Function, Counties Served and the NAICS codes they are certified for.

Veteran Fencing, LLC	
BUSINESS DETAILS	
Legal Name	Veteran Fencing, LLC
Address	877 Route 4 S Schuylerville New York 12871
Phone	(518) 669-4873
Email	wstanton@vetfence.com
SFS Vendor ID	1100238071
Business Size	Less than \$100,000
Specific Function	Construction Fence Rentals
Keywords	Construction Fence Rentals, Temporary Fencing Rentals, Silt Fencing Sales
Home Region	Capital Region
Counties Served	Statewide
NAICS CODES	
238990	All Other Specialty Trade Contractors
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing
238910	Site Preparation Contractors
PRIMARY SDVOB CONTACT	
President	Stanton, William
NYS CENTRALIZED CONTRACT	
N/A	

- Searches can also be performed by using the *Search by Business Category* box. The search can be refined by selecting a specific Business Category and County, then click the *Search* button.

The search selection for the example below is *Business Category-Construction Horizontal: Highway & Roadways; Maintenance, Repair & New Construction-Counties Served-Dutchess*

Figure 4- Example of Search by Business Category, Counties Served - Dutchess County

KEYWORD	CATEGORY	COUNTIES SERVED
		
<p>Search by Keyword or Certification Number</p> <p>Enter a keyword, business name, or SDVOB Certification Number.</p> <input data-bbox="175 1192 574 1224" type="text" value="Enter Keyword"/>	<p>Search by Business Category</p> <p>Select a business category to view all certified-disabled veteran-owned businesses within that industry.</p> <input data-bbox="618 1192 1005 1251" type="text" value="Construction Horizontal: Highways & R"/>	<p>Search by Where We Work</p> <p>Select a county to view all certified-disabled veteran-owned businesses that do business within that county.</p> <input data-bbox="1065 1192 1451 1251" type="text" value="Dutchess"/>
<input data-bbox="548 1398 813 1472" type="button" value="Search"/>		<input data-bbox="850 1398 1203 1472" type="button" value="Search NYS Centralized Contracts"/>

To verify the SDVOBs certification and see their complete information click on each SDVOB highlighted name. (see *Figure 2 & 3*)

NOTE: You can download the complete search results by either PDF or EXCEL by using the corresponding Buttons.

Figure 5- Search results yielded 116 SDVOBs -Business Category- Horizontal Highways....in the Dutchess County area. This screen shot only represents 1 of the 116 SDVOBs from the search results.

Your search returned 116 certified Service-Disabled Veteran-Owned Businesses						
Download PDF			Download Excel			
Business Name	Address	Phone	Email	Category	Home Region	NYS Centralized Contract Title
Noreast Property Management Corp	414 Elwood Ave. Hawthorne, New York 10532	(914) 557- 0281	info@noreastpm.com	Agriculture, Forestry, Gardening, Landscaping, Lawn Maintenance & Snow Removal Construction Horizontal: Highways & Roadways; Maintenance, Repair & New Construction Construction Vertical: Building Construction; Rehabilitation & New Construction Facilities, Maintenance, Repair & Building Operations Miscellaneous Real Property, Office, Hotel, Conferences & Meeting Space	Mid- Hudson	Traffic Paint (Waterborne - Lead Free) & Glass Spheres for ReflectORIZED Pavement Marking (Various Types) (All State Agencies and Political Subdivisions) Lot I (White, Yellow)

GOOD FAITH EFFORTS

Defined with Best Practices

NYSDOT Standard Specifications §102-12 DBE/MBE/WBE/SDVOB Participation **H. Good Faith Efforts**

Good Faith Efforts are the necessary and reasonable steps that by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE/MBE/WBE/SDVOB participation, even if they were not fully successful.

These are steps that a bidder could reasonably be expected to take if the bidder were actively and aggressively trying to obtain DBE/MBE/WBE/SDVOB participation sufficient to meet the DBE/MBE/WBE/SDVOB contract goals.

Mere *pro forma* efforts are not good faith efforts to meet the DBE/MBE/WBE/SDVOB contract requirements.

§102-12 H.1:

Securing participation by certified DBE/MBE/WBE/SDVOB firms for work that they are listed to perform that is in the contract. Only DBEs certified by the NYS Unified Certification Program shall be used to fulfill the established goals on Federal-Aid contracts. Only MBE/WBEs certified by the NYS Department of Economic Development and SDVOBs certified by the NYS Office of General Services shall be used to fulfill the established goals on Non-Federal-Aid contracts.

Best Practices:

- Use the correct directory based on the funding source of the contract.
- Ensure that the firm is certified for the work for which it is being solicited.
- Check the codes that appear in the firm's listing; there may have been changes.
- Ensure that the work that is being solicited is in the contract.
- When subcontractors are not available, think of alternative opportunities such as supply, manufacturing, fabrication, trucking, professional services, etc.

§102-12 H.2:

Soliciting, at a minimum, certified DBE/MBE/WBE/SDVOBs in the appropriate geographic area:

- For all work, soliciting certified DBE/MBE/WBE/SDVOBs within 75 miles of the contract location.
- For trucking operations and equipment rental, soliciting certified DBE/MBE/WBE/SDVOBs within 75 miles of the contract location.
- For work such as guide rail, fencing, landscaping, work zone traffic control, survey, signs, permanent highway lighting, traffic signals, and intelligent transportation systems (ITS); soliciting certified DBE/MBE/WBE/SDVOBs within 150 miles of the contract location.
- For work such as pavement markings, manufacturers, fabricators, material suppliers, brokers, and services; soliciting certified DBE/MBE/WBE/SDVOBs within 300 miles of the contract location, or on an upstate or downstate basis.

Best Practices:

- Consider what is cost effective for the type of work being solicited. For example, trucking is fuel-intensive and will be costly over longer distances; also, excavation and paving require mobilization which is costly over longer distances.
- Consider what is the typical traveling distance for the type of work. For example, surveying has very little equipment and it's lightweight; therefore, it can be performed over longer distances.
- Supply, manufacturing, and fabrication can occur over longer distances and are a function of delivery.

§102-12 H.3:

The Bidder shall conduct market research to identify small business contractors and suppliers and solicit, through all reasonable and available means, the interest of all certified DBE/MBE/WBE/SDVOBs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events; advertising and/or written notices; posting of notices of sources sought and/or requests for proposals, written notices or emails to all certified DBE/MBE/WBE/SDVOBs listed in the appropriate directory of certified firms that specialize in the areas of work desired and which are located in the area or surrounding area.

The Bidder shall solicit this interest as early in the bidding process as practicable, to allow the DBE/MBE/WBE/SDVOBs to respond to the solicitation and submit a timely offer. The Bidder shall determine with certainty if the DBE/MBE/WBE/SDVOBs are interested by taking appropriate steps, including following up the initial solicitation with at least one additional solicitation via a different media. The Bidder shall keep records of efforts to solicit and negotiate with DBE/MBE/WBE/SDVOBs as evidence of good faith efforts, using the AAP10 DBE/MBE/WBE/SDVOBs *Solicitation Log* as a continuing record.

Best Practices:

- Use the correct directory based on the funding source of the contract.
- Ensure that the firm is certified for the work for which it is being solicited.
- Check the codes that appear in the firm's listing; there may have been changes.
- Ensure that the work that is being solicited is in the contract.
- Solicit the firms in advance of the letting, more than once.
 - Not on the same day; allow at least 1 day to go by to give firms an opportunity to respond.
- Use more than 1 type of contact (e.g., e-mail, telephone).
- Convey special requirements such as night work.
- Document all contact, correspondence, and negotiations and submit copies.
- Submit a complete and accurate Form AAP 10 *DBE/MBE/WBE/SDVOB Solicitation Log*; the form is located at: https://www.dot.ny.gov/main/business-center/contractors/construction-division/construction-repository/AAP_10.pdf

§102-12 H.4:

Selecting portions of the work to be performed by DBE/MBE/WBE/SDVOBs in order to increase the likelihood that the DBE/MBE/WBE/SDVOBs goal(s) will be achieved. This includes, where appropriate, either breaking down operations or combining like or related operations into logistically and economically feasible units to facilitate DBE/MBE/WBE/SDVOBs participation, even when the Contractor might prefer to perform these work items with its own forces. This may include, where possible, establishing flexible time frames for performance and delivery schedules in a manner that encourages and facilitates DBE/MBE/WBE/SDVOB participation.

Best Practices:

- Can large phased operations be broken down into smaller units? For example, solicit for milling or tack coat, not the complete paving operation.
- Can like or related operations be combined? For example, solicit for all landscaping items, not just establishing turf or plantings.

§102-12 H.5:

Providing interested DBE/MBE/WBE/SDVOBs with adequate information on where and how to obtain the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their timely offer.

Best Practices:

- Provide a link to the NYSDOT web page that contains the contract documents.
- Create a “cloud” folder or site with the contract documents and provide a link.
- Include any information regarding special requirements such as night work.
- Begin solicitation efforts as soon as possible after advertisement to allow sufficient time for DBE/MBE/WBE/SDVOB to prepare and submit a quote, ask questions, etc.

§102-12 H.6.a:

Negotiating in good faith with interested DBE/MBE/WBE/SDVOB. It is the Bidder's responsibility to make a portion of the work available to DBE/MBE/WBE/SDVOB Subcontractors and material suppliers and to select those portions of the work or material needs consistent with the available DBE/MBE/WBE/SDVOB Subcontractors and material suppliers, so as to facilitate DBE/MBE/WBE/SDVOB participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE/MBE/WBE/SDVOB that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBE/MBE/WBE/SDVOB to perform the work.

Best Practices:

- When subcontractors are not available, think of alternative opportunities such as supply, manufacturing, fabrication, trucking, professional services, etc.
- Request consistent information/format so that quotes are compared “apples to apples”.
- Provide documentation of negotiations when an agreement can’t be reached.

§102-12 H.6.b:

Additional Costs. The fact that there may be some additional costs involved in finding and using DBE/MBE/WBE/SDVOB is not in itself sufficient reason for a bidder's failure to meet the contract DBE/MBE/WBE/SDVOB goal(s), as long as such costs are reasonable. The ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the Bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from DBE/MBE/WBE/SDVOB if the price difference is excessive or unreasonable.

NOTE: NYSDOT analyzes quotes of DBE/MBE/WBE/SDVOB that are not being used due to higher prices. NYSDOT compares the DBE/MBE/WBE/SDVOB quote to the: bid price; quotes from non- DBE/MBE/WBE/SDVOBs; and, Weighted Average Bid Price data.

Best Practices:

- Request consistent information/format so that quotes are compared “apples to apples.”
- Provide documentation of negotiations when an agreement cannot be reached.

§102-12 H.7.a:

Not rejecting DBE/MBE/WBE/SDVOBs as unqualified. The Bidder shall not reject DBE/MBE/WBE/SDVOBs as unqualified without sound reasons based on a thorough investigation of their capabilities. The Bidder’s standing within its industry, membership in specific groups, organizations or associations, and political or social affiliations (for example union vs. non-union status) are not legitimate causes for rejection or non-solicitation of proposals in the Bidder’s efforts to meet the contract goal. Rejection of the DBE/MBE/WBE/SDVOB because its quotation for the work was not the lowest received is not considered good faith effort. Nothing in this paragraph shall be construed to require the Bidder to accept unreasonable quotes in order to satisfy contract goals.

Best Practices:

- Interview the DBE/MBE/WBE/SDVOB. Request a work history, references from other contractors, etc.
- If the DBE/MBE/WBE/SDVOB is not affiliated with a union, advise the DBE/MBE/WBE/SDVOB to contact the union that is responsible for the area where

§102-12 H.7.b:

Replacement Prices. A prime contractor's inability to find a replacement DBE/MBE/WBE/SDVOB at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE/MBE/WBE/SDVOB. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE/MBE/WBE/SDVOB, and it is not a sound basis for rejecting a prospective replacement DBE/MBE/WBE/SDVOB's reasonable quote.

§102-12 H.8:

Making efforts to assist interested DBE/MBE/WBE/SDVOB s in obtaining bonding, lines of credit or insurance as required by the Department or the Bidder.

NOTE: DO NOT purchase the bonding or insurance for the DBE/MBE/WBE/SDVOB. In addition to eroding their ability to perform a Commercially Useful Function back charges will be deducted from the participation credit, and any shortfall of the goal(s) will have to be filled.

Best Practices:

- Refer the DBE/MBE/WBE/SDVOB to bonding or insurance companies.

§102-12 H.9:

Making efforts to assist interested DBE/MBE/WBE/SDVOB in obtaining necessary equipment, supplies, materials, or related assistance.

NOTE: DO NOT purchase the equipment or materials for the DBE/MBE/WBE/SDVOBs. DO NOT RENT equipment to the DBE/MBE/WBE/SDVOBs. In addition to eroding their ability to perform a Commercially Useful Function back charges will be deducted from the participation credit, and any shortfall of the goal(s) will have to be filled.

Best Practices:

- Refer the DBE/MBE/WBE/SDVOB to sources of equipment or materials.
- If the DBE/MBE/WBE/SDVOB does not have a sufficient line of credit with the source, a joint check arrangement can be considered, subject to NYSDOT review and approval.

§102-12 H.10:

Where available, effectively using the services of available minority/women /service- disabled veterans focused media, trade associations, and contractor groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE/MBE/WBE/SDVOB

NOTE: Available media sources and trade associations will vary across the State; think about where small businesses and local communities go to get technical assistance, research contract leads, etc.

Best Practices:

- Use sources that have a defined audience/membership, not a generic organization or media source.

Use an online search engine such as Google or Bing to find minority/women focused organizations and media sources. If the search results don't include minority/women focused organizations and media sources, try searching for small business focused organizations and media sources Examples:

Media Example: *Minority Commerce Weekly*

Trade Association/Contractor Group Examples: Minority Contractors Association (MCA); National Association of Women in Construction (NAWIC)

Business Assistance Office Examples: Small Business Development Center (SBDC); Procurement Technical Assistance Center (PTAC)

§102-12 H.11:

Stating future commitments to use the DBE/MBE/WBE/SDVOBs after contract award is not considered to be responsive to the contract solicitation requirements or to constitute good faith efforts.

