

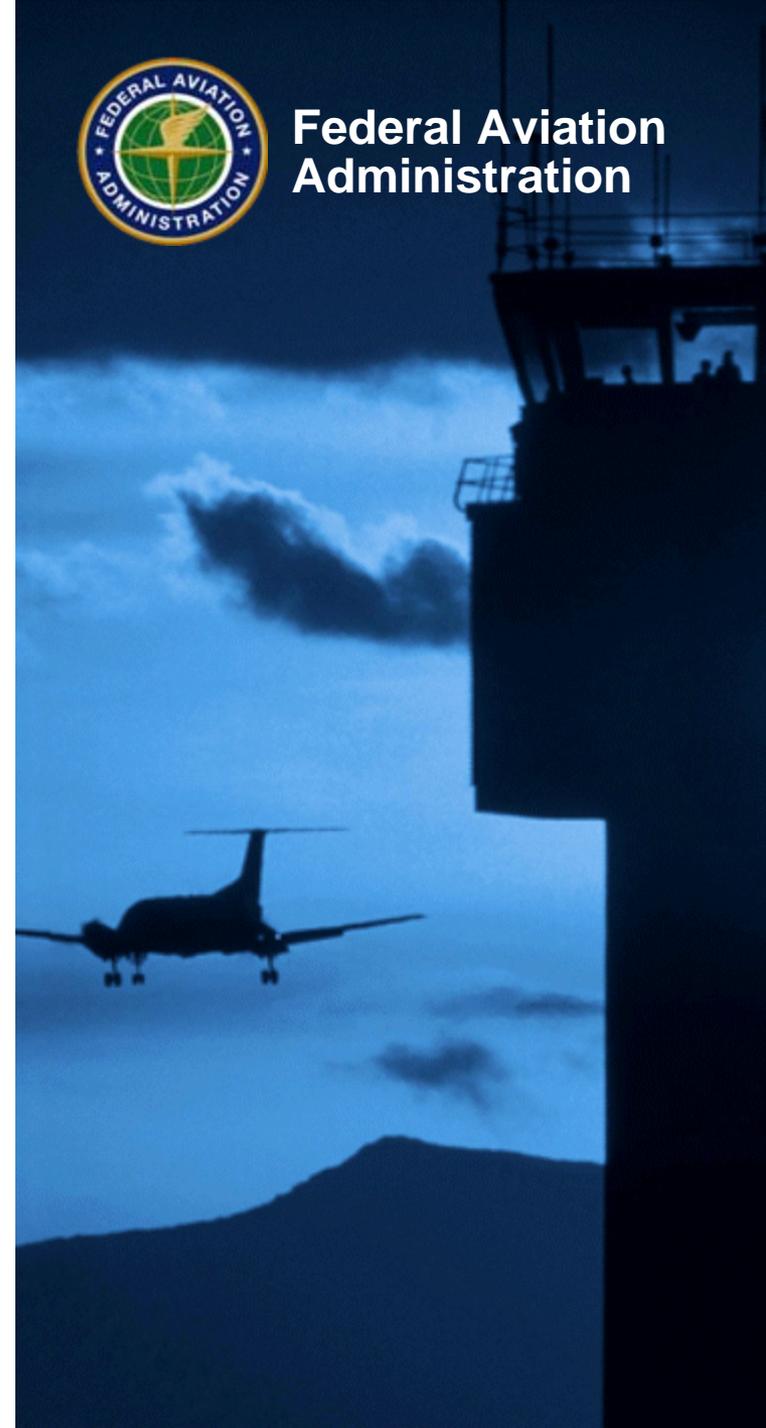


**Federal Aviation
Administration**

Good Faith Efforts

2011 National Airport Civil Rights Conference

FAA Office of Civil Rights
"We are who we serve"



Good Faith Efforts



- ✈ **Correctly meets the requirements of the DBE regulations.**
- ✈ **Achieves efficiency in program administration.**
- ✈ **Is effective in achieving compliance and the objectives of the DBE program.**

Issues



✈ **Compliance review findings**

✈ **Complaints**

✈ **Technical Assistance**

Good Faith Efforts Requirements



- ✈ **Bidder/offeror commit to meet contract goal, or make good faith efforts if unable to meet goal in whole or in part**
- ✈ **Bidder/offeror to submit DBE utilization plan, and letter of intent signed by the DBE, or documentation of good faith efforts, if contract goal not met**
- ✈ **Airport to have procedures for evaluating bidder/offeror's good faith efforts, including administrative due process, and documentation of the airport's determination of good faith efforts**
- ✈ **Good faith efforts have been determined by airport before awarding contract**

Examples of Good Faith Effort Program Issues



- ✈ **DBE promised work, but name never submitted to airport**
- ✈ **DBE's name submitted to airport, but prime contractor did not provide contract work to the DBE**
- ✈ **Contract awarded without the goal being met, and with submission of good faith effort documentation after the contract award**
- ✈ **No documentation of the airport's determination of good faith efforts by the apparent successful bidder or offeror**
- ✈ **Termination of DBE for convenience permitted even when the good faith effort of prime contractor may be in question**

Examples of Best Practices for Ensuring Good Faith Efforts



- ✈ **Letter of Intent form signed by prime contractor and DBE**
- ✈ **Contract provides that bidder/offeror commits to meet contract goal in good faith**
- ✈ **DBE utilization form submitted with bid on bid day (in RFP, with the offer). Letter of Intent requested within three days or less of notification of bidder/offeror as apparent successful contractor**
- ✈ **A copy of DBE utilization form and letter of intent shared with Engineering or Development Office; DBE schedule of work shared with DBELO office**
- ✈ **Issues of potential replacement of a DBE shared by Engineering Office with DBELO office in timely manner**

Questions?

