

**GENERAL INFORMATION REGARDING
DISADVANTAGED BUSINESS ENTERPRISES (DBEs)**

- I. **GENERAL** - The following shall be incorporated as part of the contract documents for compliance. If any requirements herein are in conflict with the general provisions, instruction to bidders, or special provisions applicable to this project, the requirements herein shall prevail unless specifically superseded or amended in the special provisions or by addendum.

- II. **EFFECTS OF THE DECERTIFICATION OF A DBE**
 - A. Should a DBE become decertified during the term of its subcontract with the prime bidder, for reasons beyond the control of, and through no fault or negligence of the contractor, any incomplete work remaining under the subcontract may subject to the review by the Department. The prime bidder shall continue to be credited for the work or supplies of the decertified DBE towards the DBE goal, but the Department shall not count the decertified DBE work or supplies towards the accomplishment of its overall goal.
 - B. Should a DBE be decertified after the contract award, but before the notice to proceed has been issued by the Department, the contractor shall be required to meet the DBE goal by continuing with the subcontract with the decertified DBE and expending Good Faith Efforts to find other work not already subcontracted out to DBEs in an amount sufficient to meet the DBE goal. The work performed or supplies provided shall not be counted toward the DBE contract goal or the Department's overall goal.

- III. **BIDDERS LIST**
 - A. All bidders are requested to register with the Office of Civil Rights, DBE section. All bidders that previously bid on Department federal aid projects after January 1, 2001 and certified DBEs are considered registered with the Department. Registered bidders are posted on the Internet at the Department's home page: <http://www.state.hi.us/dot/>. From the Department's home page, link to the Business Related Information, then to the Office of Civil Rights home page and then link to the Disadvantaged Business Enterprise home page.
 - B. New bidders are requested to complete a Bidder Registration form that may be obtained from the Office of Civil Rights, DBE Section. The completed form may be faxed to (808) 587-2025, e-mailed to: melanie.martin@hawaii.gov or mailed to address on the Bidder's Registration form.

- IV. **EVIDENCE OF GOOD FAITH EFFORTS** - The kinds of effort that will be considered demonstrative of "Good Faith Efforts", include but are not limited to the following:
 - A. Whether the bidder solicited through all reasonable and available means (e.g. attendance at meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform part or all of the work to be included under the contract. The Hawaii Department of Transportation ("HDOT") will also consider whether the bidder solicited the participation of potential DBEs in sufficient time to allow the DBEs to properly inquire about the project and respond to the solicitation, and will also review whether the bidder took appropriate steps to follow up with interested DBEs in a timely manner to facilitate participation by DBEs in this project;

this contract; c) Verify contacts by bidders with DBEs; and d) Compare the DBE and the categories of DBE work targeted by the bidder for participation in this contract, with the total available pool of DBEs available for each particular subcontract targeted by the bidder.

V. **RECORDS AND REPORTS** – The bidder shall maintain and keep all records necessary for the HDOT to determine compliance with the bidder's DBE obligations. The records shall be available at reasonable times and places for inspection by the HDOT, and appropriate Federal agencies. The records to be kept by the bidder shall include:

- A. The names of all DBE subcontractors and vendors identified as DBEs (for vendor, indicate also if a supplier or manufacturer);
- B. The nature of work of each DBE subcontractor and vendor; and
- C. The dollar amount contracted with each DBE subcontractor and vendor.