

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION**

- 1.01 **CERTIFICATION OF DBE:** Any DBE utilized pursuant to this Section shall be certified as a DBE by one of the following: Kentucky Finance and Administration Cabinet, Kentucky Transportation Cabinet or other state Transportation agencies, the Louisville/Jefferson County Metropolitan Sewer District, the Tri-State Minority Supplier Development Council or other state Minority Supplier Development Councils, the Ohio River Valley Women's Business Council, the Women's Business Enterprise National Council, the National Women Business Owners Council, or the Small Business Administration.
- 1.02 **OBLIGATION OF BIDDER/CONTRACTOR:** Bidder/Contractor shall make a good faith effort to meet the DBE contract goal set by the Commonwealth by including DBE's as subcontractors and/or material suppliers on 10% of the total estimated cost of the Contract. The failure to meet the foregoing goal shall not result in disqualification from bidding or being awarded a contract. However, Bidders/Contractors not meeting the DBE goal shall be expected to provide written proof of their good faith efforts. Award of the contract shall be conditioned upon satisfaction of the requirements established by this section. The Bidder/Contractor shall attempt to divide the work in the contract to facilitate use of DBE's (however, there is no requirement that the work be artificially divided or divided in a way that raises the bid price of the Bidder/Contractor).
- 1.03 **PROOF REQUIRED:** Each bidder shall furnish written proof in their bid package that they reached the DBE participation goal for this Contract, or of their good faith efforts to meet the DBE participation goal. A copy of each participating DBE's certification shall accompany the required forms. All submissions shall be subject to verification of the Commonwealth.
- A. Proof that the apparent successful bidder reached the DBE goal shall consist of the following and shall be made on form DB-2-A, attached hereto:
1. The names and addresses of DBE firms that will participate in the contract;
  2. A description of the work each named DBE firm will perform;
  3. The dollar amount of participation by each named DBE firm;
  4. The percentage amount of participation by each named DBE firm;
- B. Proof that the apparent successful bidder made a good faith efforts to meet the DBE participation goal may include the following:
1. Advertisement by the Bidder/Contractor of DBE contracting opportunities associated with this contract in at least one of each of the following periodicals: a periodical in general circulation throughout the Commonwealth, a trade periodical focused on DBE contractors/suppliers in general circulation throughout the Commonwealth, and a minority-focused periodical in general circulation throughout the Commonwealth. The Bidder/Contractor shall include copies of the dated advertisements in his bid package;
  2. Written notice of DBE opportunities in this contract to at least five pertinent DBE's at least seven days prior to the bid opening date. Copies of the written notices shall be included in the bid package;
  3. The Bidder/Contractor's response(s) to those DBE's who requested plans, specifications and/or contracting requirements. Copies of said responses shall be included in the bid package;
  4. Documentation on form DB-2-B of good faith negotiations with at least three DBE's, with no rejection of a qualified DBE without sound reason, including price quotes that are above other subcontractor's price quotes;
  5. Utilization of the Finance and Administration Cabinet's Office of Equal Employment Opportunity and Contract Compliance for referrals to organizations that assist in locating DBE's. Proof of use of such referrals and contacts made as a result thereof shall be included in the bid package.

**DISADVANTAGED BUSINESS AVAILABILITY VERIFICATION**

\_\_\_\_\_ does commit itself that on the following project:  
 \_\_\_\_\_  
 NAME OF COMPANY

\_\_\_\_\_ REQUEST FOR BID NUMBER  
 \_\_\_\_\_  
 PROJECT NAME

The Bidder agrees to furnish information required by the Commonwealth of Kentucky to indicate the Disadvantaged Business which it intends to utilize. Breach of this commitment constitutes breach of the Bidder's contract if awarded.

NAME OF DISADVANTAGED BUSINESS	TELEPHONE	TYPE OF WORK

DOLLAR VALUE	PERCENT	DISADVANTAGED CLASSIFICATION

The undersigned shall enter into a formal agreement with the Disadvantaged business firms for work listed in this schedule conditioned upon execution of a contract with the Commonwealth of Kentucky.

Disadvantaged business firms listed above by the Bidder and accepted by the Owner and the Architect/Engineer shall be used on the work for which they were proposed and accepted and shall not be changed except with the written approval of the Owner and the Architect/Engineer. The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the Bidder to the commitment herein set forth.

Signature and title of authorized official of the company and the data shall be properly executed on this document or the bid will be deemed nonresponsive.

\_\_\_\_\_  
 NAME OF AUTHORIZED OFFICER TITLE

\_\_\_\_\_  
 SIGNATURE DATE

If you are bidding as a General Contractor on this project i.e. direct bidding and a Disadvantaged as defined herein, please provide a copy of your DBE Certification.

Submit with Bid. \_\_\_\_\_  
 (Please copy additional Disadvantaged Business Availability Forms as necessary.)

**DISADVANTAGED BUSINESS UNAVAILABILITY VERIFICATION**

I, \_\_\_\_\_, \_\_\_\_\_ (TITLE)

of \_\_\_\_\_ (PRIME BIDDER)

certify that on \_\_\_\_\_ I contacted the following Disadvantaged owned business by: (circle one) Certified Mail, Phone, In Person to obtain a bid for work items to be performed on the Contract.

<b>DISADVANTAGED CLASSIFICATION (IE. WBE, MBE, DBE, SDVOSB) CONTRACTOR</b>	<b>WORK ITEMS SOUGHT</b>	<b>FORM OF BID SUPPORT (IE., UNIT PRICE, MATERIALS LABOR &amp; LABOR ONLY)</b>

To the best of my knowledge and belief, said Disadvantaged owned business was unavailable (exclusive of unavailability due to lack of agreement on price) for work on this project, or unable to prepare a bid, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_ was offered an (NAME OF DISADVANTAGED BUSINESS)

opportunity to bid on the above-identified work on \_\_\_\_\_ by

\_\_\_\_\_ (SOURCE)

The above statement is a true and accurate account of why I did not submit a bid on this project.

\_\_\_\_\_  
(SIGNATURE OF DISADVANTAGED BUSINESS)

\_\_\_\_\_  
(TITLE) (DATE)

Submit with Bid if Applicable.  
(Please copy additional Disadvantaged Business Unavailability Forms as needed.)