

FAQs – Contracts with DBE Goals

Acronyms

- AOT – Agency of Transportation
- DBE – Disadvantaged Business Enterprise Program
- GFE – Good Faith Efforts
- FAQ – Frequently Asked Question

Where can bidders find advertised Construction Contracts?

Current bid opportunities can be found on the AOT Contract Administration [Bid Opportunities and Request for Proposals](#) page.

If there is an assigned DBE goal, is it optional for bidders to comply with?

No – the DBE goal is not optional to comply with. The bidder must either meet the DBE numerical goal or provide documentation that demonstrates adequate Good Faith Efforts for it to be considered a responsive bid.

Who do I ask DBE questions to during a solicitation?

All questions must be submitted in writing to: AOT.ConstructionContractingInquiry@vermont.gov.

What is the deadline for DBE questions during a solicitation?

Each solicitation will specify a deadline for questions to be submitted.

Why don't bidders get 24 hours after the solicitation deadline to submit Good Faith Efforts?

All DBE documents are due at time of bid to ensure an equitable solicitation process.

Can a DBE firm bid as a prime contractor?

Yes

If a DBE firm is bidding as a prime, do they still need to fill out the DBE forms?

Yes – The CR 161 form must be completed and signed for the bidder to be found responsive.

How does a bidder count DBE participation?

DBE participation is as follows:

- Contractor: 100% credit
- Manufacturer: 100% credit
- Supplier: 60% credit
- Broker: 5% credit (commission and transport fees)
- Trucking: 100% credit for DBE owned trucks, 100% credit for non-DBE trucks hired by the DBE firm-not to exceed the total number of DBE trucks, 60% if the trucking firm is being used as a supplier

Please see the [Counting Credit Guide](#) for more detailed information.

How does a bidder calculate the DBE commitment percentage?

The DBE commitment percentage is the total amount of business to be completed by a registered DBE divided by the total bid amount. *Example: DBE firm(s) will perform \$25,000 worth of work on a \$2,500,000 contract which will equal 1% participation.*

How does a bidder properly complete the DBE Participation Schedule?

For each of the DBE firms intended to be used for credit, the bidder must complete the CR 161 form at the time of the bid. (You will be prompted in the ICX system, as you submit your bid, to complete this form).

Example of the completed form:

May 2023
CR 161

**DISADVANTAGED BUSINESS ENTERPRISE
PARTICIPATION SCHEDULE**

Any substitution of the named DBE firms must be approved in writing by the Vermont Agency of Transportation, Office of Civil Rights and Labor Compliance. This approval is necessary not only to assure that contract goals are met, but to preserve the integrity of the DBE program.

ABC Contractor

C03051 - Barre - Montpelier STP 123(4)

Name of Prime Bidder

Contract Name and Number

Name & Address of DBE	Item No.	Item Name (detail if partial item)	Item Quantity	Unit Price	Agreed Total DBE Amount
SRI Construction LLC 276 Greenpoint Ave Suite 216 Brooklyn, NY 11222	900.645	SPECIAL PROVISION (FIELD PAINTING STEEL, TWO COAT SYSTEM)(BR 600) SRI Construction Painting Sub	1.00	\$143,500.000	\$143,500.00
SRI Construction LLC 276 Greenpoint Ave Suite 216 Brooklyn, NY 11222	900.645	SPECIAL PROVISION (REM, CONTAINMENT, AND DISP OF LEAD PAINT) (TYPE III)(BR600) SRI Construction Painting Sub	1.00	\$143,500.000	\$143,500.00
SRI Construction LLC 276 Greenpoint Ave Suite 216 Brooklyn, NY 11222	900.645	SPECIAL PROVISION (REM, CONTAINMENT, AND DISP OF LEAD PAINT) (TYPE III)(BR601) SRI Construction Painting Sub	1.00	\$143,500.000	\$143,500.00
SRI Construction LLC 276 Greenpoint Ave Suite 216 Brooklyn, NY 11222	900.645	SPECIAL PROVISION (FIELD PAINTING STEEL, TWO COAT SYSTEM)(BR 601) SRI Construction Painting Sub	1.00	\$143,500.000	\$143,500.00

Participation credit is counted as follows:

DBE Subcontractors (on-site work) 100%

DBE Manufacturers 100%

DBE Suppliers 60%

Total dollar amount obligated to DBE(s) \$574,000.00

Percentage of contract obligation to DBE(s) 10.29 %

As a prime bidder our firm does not have any DBE commitments or the firms, we contacted are non-responsive – are DBE forms still required to be submitted?

Yes – the CR 162 Unavailability Certification must be completed and submitted for the bidder to be found responsive.

Can I remove or change an approved DBE subcontractor?

A prime contractor is prohibited from terminating a DBE subcontractor it has listed to meet a contract goal without prior written consent from the recipient agency. [The AOT DBE Program Manager or the AOT Civil Rights Director](#) is the most appropriate official to determine whether consent for a termination should be provided. Such a termination can only be for good cause.

If a bidder works with a company that is owned by a woman/minority, does that count towards the DBE goal?

No - for a bidder to receive DBE credit for projects that are federally funded and DBE goal has been established, the chosen firm must be certified and in the [DBE Directory](#) at the time of bid.

Can a bidder receive DBE credit for a commitment to a company that is currently applying to become certified?

No – the DBE firm will only count for credit if certified at time of bid. (Please contact the [AOT DBE Program Manager](#)).

Does a bidder get any preference for an award if their bid exceeds the DBE goal instead of just meeting it?

No – bidders do not get a preference for exceeding the goal. However, your bid will still be determined if it was responsive to the requirements.

What is a Commercially Useful Function (CUF)?

DBE contractors must perform a commercially useful function (CUF). The DBE must be responsible for execution of the work of the contract and must carry out its responsibilities by performing, managing, and supervising the work involved, consistent with standard industry practices.