



# State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Central Office ~ 450 Columbus Boulevard, Hartford, CT 06103

*Promoting Equality and Justice for all People*

## Good Faith Efforts

How does the CHRO analyze a contractor's good faith efforts to solicit Small Business Enterprises (SBEs) and/or Minority Business Enterprises (MBEs)?

Remember - The goal is to use small businesses for at least 25% of the work and to use Department of Administrative Services (DAS) certified Connecticut businesses owned by women, minorities, and persons with disabilities for at least 6.25% of the work.

Here are the factors the CHRO looks at to determine whether a contractor has made a good faith effort to provide opportunities for DAS certified Connecticut small businesses to work on state funded projects.

- Has the contractor actually achieved its goal?
- If the contractor has failed to achieve its goals, the CHRO will evaluate whether the contractor has taken reasonable steps to achieve those goals. Evidence of taking reasonable steps to achieve the goals would include, but not be limited to, following the CHRO's best suggested practices such as:
  - Drawing from MBE/WBE/DisBE by consulting with various sources, including the State of Connecticut DAS Supplier Diversity Program (<http://www.biznet.ct.gov/SDSearch/SDSearch.aspx>);
  - Allowing minority and small businesses to competitively bid against each other by soliciting for the trades/materials/services, or provide an explanation as to why the trade/material/service was not solicited to SBE/MBE/WBE/DisBEs;
  - Using concise responses for bid results (avoid vague responses such as "did not bid" or "no response"; use responses to show follow-up);
  - Soliciting bids only from those subcontractors and/or vendors who can provide the trade/material service;

Main (860) 541-3400 ~ Fax (860) 246-5419

[www.ct.gov/chro](http://www.ct.gov/chro) ~ Toll Free in Connecticut (800) 477-5737 ~ TDD (860) 541-3459

Affirmative Action/Equal Opportunity Employer

- Including trades/materials/services within the company's bidding process or provide an explanation with reference as to why the trades/materials/services were not solicited to SBE/MBE/WBE/DisBEs;
  - Break larger jobs into smaller packages.
- The CHRO will also look for “red flags” that might show lack of good faith. These will be looked at on a case-by-case basis. These include, but are not limited to, the following:
    - Incomplete submissions;
    - Inaccurate submissions;
    - Submissions lack required specificity;
    - A Contractor Solicited but did not award any companies for a trade/material/service;
    - Soliciting from contractors that do not actually provide the good or service needed;
    - Soliciting from contractors that are geographically too far away from the project, making them unlikely to bid;
    - Trades/Materials/Services needed but never solicited for;
    - Listing contractors that were not actually solicited as solicited;
    - Awarding a contractor that wasn't solicited;
    - Unaccounted for contract money;
    - False submissions.