September 20, 2016

Subject – DBE Contract Goal and SBE Set-Aside – Pre-Award Submittal Requirements

NOTICE TO CONTRACTORS / POTENTIAL BIDDERS

This notice is being provided as a result of the amendment to the Code of Federal Regulations (CFR), Title 49, Part 26 - PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, Section 26.53.

All DBE Pre-Award Commitment Approval Request forms (including Good Faith Effort documentation if applicable), meeting the established contract goal percentage, are due to the Department from the apparent low bidder no later than five (5) calendar days after the bid opening date. If the required submittals are not received on time, the Department may reject the bid as provided by Section XI of the Construction Contract Bidding and Award Manual.

The same shall apply to State funded only projects that have an assigned Small Business Enterprise (SBE) Set-Aside percentage. The Pre-Award Commitment Approval Request forms (including Request for Waiver documentation if applicable), meeting the contract Set-Aside percentage, are due to the Department from the apparent low bidder no later than five (5) calendar days after the bid opening date. If the required submittals are not received on time, the Department may reject the bid as provided by Section XI of the Construction Contract Bidding and Award Manual.

It is highly recommended that all bidders complete the necessary documentation during their bid preparation process in order to meet this requirement as the apparent low bidder.

If you have any questions please feel free to contact me.

Sincerely,

[Signature]

Gregory D. Straka
Contracts Manager
Division of Contracts Administration