

# **ADVISORY NOTICE TO ALL BIDDERS**

## **Topic: Project Goal Requirements**

**Federally Funded Contracts: Disadvantaged Business Enterprise (DBE) or Emerging Small Business Enterprise (ESBE) Goals**

**State Funded Contracts: Small Business Enterprise (SBE) Goals**

The following guidance is provided to help ensure a bid is not rejected for being non-responsive and/or not responsible due to Civil Rights Goal Requirements.

**All bidders** are required to submit a DBE/ESBE/SBE Participation Plan/Commitment (CR-266) and DBE/ESBE/SBE Confirmation Forms (CR-273, and applicable CR-272 and/or CR-272), supporting documentation and Good Faith Effort documentation for every contract they bid on that has an established Contract DBE, ESBE or SBE goal. It is in the best interest of the New Jersey Department of Transportation/public contracting agency as well as the contracting community.

DBE Goal: Only certified DBEs may be used to satisfy DBE goals.

ESBE Goal: Either certified DBEs or ESBEs may be used to satisfy ESBE goals.

SBE Goal: Only current registered SBEs may be used to satisfy SBE goals.

**NOTE:** If the apparent low bidder's commitment fails to meet the established Contract goal and they fail to provide adequate documented evidence of their Good Faith Efforts (GFE), the next lowest responsive and responsible bidder could be awarded the contract.

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This project requires that all bidders at time of bid, or within five (5) days of bid opening: Forms CR-266, CR-273, CR-272, CR-274 with supporting documentation, and documented evidence of Good Faith Effort (GFE).

- ✓ Be sure to include ALL required forms and documentation as follows:
  - CR-266 "Schedule of DBE/ESBE/SBE Participation", listing each firm that will be used to meet the contract goal; the classification or role the firm will play on the contract; NAICS Codes for the kind and type of work the firm will be performing on the contract; specific contract items, including identification of items where partial work will be performed; dollar value of proposed subcontract. If the Bidder is itself a DBE, ESBE or SBE they must list themselves on the CR-266, include the NAICS codes and only the value of work they will self-perform for which they are certified as a DBE, ESBE or SBE to perform.
  - CR-273 "Confirmation of DBE/ESBE/SBE Firm", for each firm listed on the CR-266. Provide all information requested on the form, including the specific contract items and item descriptions, noting identification of items where partial work is being performed; answers to the questions listed on the form, and proposed dollar value of the work the firm will perform.

- CR-272 “DBE/ESBE/SBE Regular Dealer/Supplier Verification” – for each Regular Dealer/Supplier listed on the CR-266
  - CR-274 “DBE/ESBE/SBE Trucking Verification” and supporting documentation– for each trucker/trucking firm/transportation firm listed on the CR-266
- ✓ Make sure that all required forms are PROPERLY, ACCURATELY and FULLY COMPLETED and signed. Bidders are not to complete any portion of the CR-273, CR-272 or CR-274 forms, except for Bidder signature, unless they themselves are the prime DBE, prime ESBE or prime SBE. These forms must be completed and signed by the respective DBE, ESBE or SBE.

**Please note that the following, common errors can cause a bid to be rejected:**

- Bidder failing to submit a CR-266; submitting a blank CR-266; or failing to sign the CR-266.
- Bidder failing to list themselves, when they are a DBE, ESBE or SBE. (Note: They should only list the value of work they will self-perform, and not any work they will subcontract out.)
- Bidder failing to submit a fully completed CR-266, including kind and type of work, contract items and item descriptions each firm listed will perform.
- Identifying SBE and/or ESBE subcontractors on the CR-266 for a Federally funded, DBE goal.
- Bidder failing to submit **COMPLETED** and **SIGNED** CR-273 forms confirming agreement for each firm listed on the CR-266.
- Not verifying and confirming the proper NAICS Code(s) in the NJUCP directory for the classification of work the DBE or ESBE is certified for and committed to perform.
- Failing to identify the correct item numbers, work descriptions, materials to be supplied and NAICS codes on the CR-266 and CR-273; CR-272 and CR-274 for federally funded projects.
- Bidder failing to submit a **COMPLETED** and **SIGNED** CR-272 (Dealer/Supplier Verification) for each dealer/supplier listed on the CR-266.
- Bidder failing to submit a **COMPLETED** and **SIGNED** CR-274 (Trucking Verification) and required supporting documentation for each trucking firm/ trucker/transportation firm listed on the CR-266.
- Item Numbers and Contract Amounts on CR-266 and CR-273 don't correspond or match.
- Bidder completes and signs the CR-273 for the DBE, ESBE or SBE subcontractor.
- Firms listed on the CR-266 are not certified as a DBE or are not a SBE with current registration.
- Failure to submit documented evidence to support Good Faith Efforts (GFE) when the bidder fails to document enough DBE, ESBE or SBE participation to meet the goal.
- Submitting inadequate documentation to support Good Faith Efforts (GFE) when the bidder fails to document enough DBE, ESBE or SBE participation to meet the goal.

If you have any questions or need clarification concerning the above forms, please contact the Division of Civil Rights/Affirmative Action's Contractor Compliance Unit at 609-963-2047 or by email at [DOT-CR.Verifications@dot.nj.gov](mailto:DOT-CR.Verifications@dot.nj.gov).