

**The University of Alabama (University)
DBE Special Provisions**

This contract contains a specific goal for the participation of certified DBE's in this project.

The percentage of the total amount of the contract is required for DBE participation is given in the proposal.

The University maintains a current listing of certified DBE contractors by categories of work. The University and, certification extends only to the requirements of 49 CFR 26 with regard to business size, disadvantaged status, and ownership and control of business. The certification does not attest in any way to the capabilities or capacity of any business to perform satisfactorily.

DBE's who are not on the current certification list must seek approval prior to tendering an offer on any project.

This contract will be awarded to the lowest responsible bidder. The apparent low bidder will be notified by the University and, within ten calendar days, must submit in writing on the form provided by the University, the name and address of the DBE firm or firms, the description of the work to be subcontracted, the dollar amount of the work, a written commitment from the bidder to use the DBE, and a written confirmation from the DBE that it is participation in the contract as provided in the commitment.

In the event the apparent low bidder cannot meet any or all of the DBE goal, the bidder must demonstrate to the University's satisfaction that bona fide good faith efforts to do so were made.

The Contractor shall furnish the project engineer an UA DBE Payment Voucher Form for each estimate period. The Contractor shall provide the required data for each DBE active on the project during the estimate period. If no DBE was active during the time period, such indication should be made on the form. UA DBE Payment Voucher Form shall be submitted on all Federal aid projects regardless of whether or not the contract contains a specific DBE goal. Failure to furnish the UA DBE Payment Voucher Form in a timely manner may result in the withholding of further monthly estimates until the delinquent information has been submitted.

The following actions will be considered in evaluating good faith efforts:

Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising, and/or written notices) the interest of all certified DBE's who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBE's to respond to the solicitation. The bidder must determine with certainty if the DBE's are interested by taking appropriate steps to follow up initial solicitations.

Selecting portions of the work to be performed by DBE's in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items in to economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

Providing interested DBE's with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

Negotiating in good faith with interested DBE's. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE's that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBE's to perform the work.

A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBE's is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the