



## **GOOD FAITH EFFORTS GUIDE**

Established in 1918, WSSC Water is currently among the largest water and wastewater utilities in the nation, with a network of nearly 5,900 miles of drinking water pipeline and over 5,600 miles of sewer pipeline. Our service area spans nearly 1,000 square miles in Prince George's and Montgomery counties, and we serve 1.9 million residents through approximately 475,000 customer accounts. WSSC Water drinking water has always met or exceeded federal standards.



**COMMISSIONERS**

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**GENERAL MANAGER**

Kishia L. Powell

Dear Prospective Bidder or Proposer:

The Washington Suburban Sanitary Commission (WSSC Water or Commission) through the Office of Supplier Diversity & Inclusion is dedicated to creating an inclusive purchasing environment while building sustainable relationships, expanding opportunities, and cultivating the growth of small, local and minority business enterprises, which adds value to the Commission and community we serve. In accordance with the Public Utilities Article, Annotated Code of Maryland the WSSC is authorized to establish both a Minority Business Enterprise (MBE) Program and Small Local Business Enterprise (SLBE) Program. The Commission is further authorized to ensure compliance with the MBE and SLBE Programs.

Good Faith Efforts require Bidders and/or Primes to make and demonstrate an effort to provide subcontracting opportunities to WSSC Water-Approved SLBE/SLBE-SDV or certified MBE firms. The Bidder/Prime is required to contact an authorized MBE or WSSC Water-Approved SLBE/SLBE-SDV firm, for potential subcontracting opportunities, prior to the time the contract is solicited for bid. Good Faith Efforts to contact and work with certified or approved firms must be documented to the Commission, specifically when requesting a full or partial waiver. Good Faith Efforts begin prior to bid submission and must continue through the life of the contract, if awarded.

The MBE and SLBE Programs facilitate fair and equal access to opportunities for those MBE/SLBE/SLBE-SDV Primes and Subcontractors/Subconsultants and Suppliers ready, willing and able to compete for work on WSSC Water-funded Contracts. Prime Bidders and Proposers are required to ensure that prospective Subcontractors/Subconsultants, Vendors and Suppliers are afforded fair and equal access to opportunities for inclusion on WSSC Water-funded Contracts, where applicable.

WSSC Water is committed to avoiding active or passive participation in private discrimination or any system of exclusion based on race, gender or ethnicity in the award and performance of Contracts. In consideration of this Policy, the WSSC has established the Good Faith Efforts Guide for all WSSC Water-funded contracts.

I would strongly encourage you to read all information contained in this Good Faith Efforts Guide. Be sure to carefully review the specific MBE/SLBE/SLBE-SDV subcontracting/sub-consulting requirements for this project or purchase. If you have any questions about the information contained in the Good Faith Efforts Guide, please contact the Office of Supplier Diversity & Inclusion at (301) 206-8800 or [SupplierDiversity@wsscwater.com](mailto:SupplierDiversity@wsscwater.com). We appreciate, in advance, your efforts and support of our Programs.

Sincerely,

DocuSigned by:

0A75BF3AD966495  
Kyron T. Harley, Acting Director

Office of Supplier Diversity & Inclusion (OSDI)



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***SPECIAL NOTE: If any of the information contained within conflicts with the WSSC Code of Regulations, Chapter 6.30 and/or Chapter 6.35, the Regulations will take precedence.***

## **I. PURPOSE OF THE GOOD FAITH EFFORTS GUIDE**

The purpose of the Good Faith Efforts (GFE) Guide is to ensure that WSSC Water, Bidders/Proposers/Primes, Subcontractors, Subconsultants and Suppliers are aware of their responsibilities when demonstrating GFE, if applicable, in response to a WSSC Water Request for Proposal or Invitation for Bid (IFB).

The principle underpinning of this Guide is that no WSSC Water employee and/or Bidder/Proposer, Subcontractors, Subconsultants and Suppliers shall misuse any information or allow others to do so.

The GFE Guide has been written to support Vendors/Suppliers and WSSC Water employees in compliance and enforcement efforts, respectively, with the following WSSC Regulations:

- **MBE Program Regulations, WSSC Code of Regulations, Chapter 6.30**
- **SLBE Program Regulations, WSSC Code of Regulations, Chapter 6.35**

## **II. DEFINITIONS**

**Minority Business Enterprise (“MBE”)** – Any legal entity, except a joint venture, that is organized to engage in commercial transactions, which is certified as being at least fifty-one percent (51%) owned, managed and controlled by one or more socially and economically disadvantaged minority or woman individuals as defined in Article Section 14-301 of the State Finance & Procurement Article of the Maryland Annotated Code and that is ready, willing and able to sell goods or services that are purchased by WSSC Water. Unless otherwise stated, the term “MBE” as used in this Regulations is inclusive of woman-owned business enterprises (“WBEs”) and disadvantaged business enterprises (“DBE’s”) that are certified in accordance with State law and regulations.

**Office of Supplier Diversity & Inclusion (“OSDI”)** – The office within the Commission that is primarily responsible for implementing and administering the SLBE and MBE Programs. Formerly the Small, Local and Minority Business Enterprise (SLMBE) Office.

**Service-Disabled Veteran Small Local Business Enterprise (SDV-SLBE or SLBE-SDV)** – A firm that is certified as Service-Disabled-Veteran owned and approved to participate in WSSC Water’s SLBE Program as defined here within. Firm must meet the approval criteria of SLBE firms.

**Small Local Business Enterprise (“SLBE”)** – A firm that is Approved by the Office of Supplier Diversity & Inclusion (OSDI) based on the eligibility requirement as set forth in Section IV., a SLBE prior to submission of a bid or proposal or inclusion in a subcontract plan. Includes an MBE or WBE if the MBE or WBE meets the requirements of a SLBE.

**Woman-Owned Business Enterprise (“WBE”)** – As used in this Regulation, WBE refers to any legal entity, except a joint venture, that is organized to engage in commercial transactions and that is certified as being at least fifty-one percent (51%) owned, managed and controlled by a female.

### III. **REQUESTS FOR WAIVER (In summary)**

***Pre-Award*** - A Bidder, Respondent or Prime Contractor may request a full or partial waiver of an MBE/SLBE/SLBE-SDV subcontracting requirement by submitting either the MBE/SLBE Unavailability Utilization Certification form contained in the Solicitation or written request **and** appropriate documentation. When requesting a full or partial waiver, Bidders and Respondents are required to submit the MBE/SLBE Unavailability Utilization Certification (or written request) simultaneously with bid or proposal submission, if the Bidder is unable to obtain a certified MBE/WSSC Water-Approved SLBE firm or meet the minimum MBE/SLBE/SLBE-SDV subcontracting requirement and present adequate evidence of its GFE, as defined herein.

***Post-Award*** - A Prime Contractor shall **promptly** request in writing a full or partial waiver of the MBE/SLBE subcontracting requirement as soon as possible after contractor becomes aware that it will be unable to comply with an approved MBE/SLBE/SLBE-SDV subcontracting plan. The written request shall detail the Prime Contractor's GFE to execute the MBE/SLBE/SLBE-SDV subcontracting plan and maximize the utilization of the MBE/SLBE/SLBE-SDV subcontracting plan, if applicable. Please note: Prime must meet the subcontracting plan requirements in whole and in part.

***Procedure*** - All waiver requests shall be submitted to the OSDI and the Procurement Office for resolution by the OSDI Director via the WSSC Water Administration Contract Manager, Contract Manager or Project Manager. The waiver will be granted and the award will be processed should the OSDI Director determine that the bidder has demonstrated GFE. Should the OSDI Director determine that the bidder did not satisfy the requirement; the bidder's request for a waiver will be denied and the bidder will be notified of the decision and appropriate appeal or dispute processes. If the waiver is denied, the Chief Procurement Officer shall respond within sixty (60) calendar days of the receipt of any notice of appeal to a waiver request. The decision shall be issued by the Chief Procurement Officer and shall constitute the final decision of the Commission.

***Substitution/Replacement of MBE/SLBE/SLBE-SDV Subcontractors/Subconsultants (typically applies Post Award)*** - No substitution/replacement for any SLBE/MBE Subcontractor, vendor or supplier, previously selected by the Prime shall be made without written notification to the Commission and the approval of the Commission. A Prime cannot arbitrarily terminate an MBE/SLBE/SLBE-SDV Subcontractor and self-perform the work without requesting a waiver and written approval from the Commission. MBE/SLBE/SLBE-SDV Subcontractors can be replaced if they are deemed unable, unwilling to perform the contracted work and/or other documented reasons. If it appears that the MBE/SLBE/SLBE-SDV subcontracting requirement cannot be achieved, the Prime shall immediately notify the Commission in writing accompanied by with the appropriate documentation. GFE used to try to meet at least a portion of the requirement should be documented and submitted to the Commission for evaluation.

#### IV. **DESCRIPTION OF GOOD FAITH EFFORTS DOCUMENTATION FORMS**

1. **All bid documents and proposal packages must include the signed GFE affidavit affirming the Bidder's or Proposer's intent to comply with the WSSC Water's GFE Guide.** Unless otherwise indicated in the RFP or IFB documents, no other GFE documentation will be required at the time of bid or submission. If requesting a full or partial waiver, GFE documentation must be submitted with all bid documents and proposal packages at the time of bid, unless otherwise stated in the solicitation. Only original documents with authorized signatures will be accepted, if applicable (*"original" is defined as original signatures*).
  - A. Prospective Bidders/Proposers who will **meet or exceed** the subcontracting requirement must submit the following forms at the time of bid:
    - Good Faith Efforts Affidavit
    - MBE/SLBE Subcontracting and Supplier Certification
    - Subcontracting and Supplier Certification, if applicable
    - Non-Discrimination Declaration
  - B. Prospective Bidders/Proposers who will **meet** the subcontracting requirement, and requesting a full or partial waiver, must submit the following forms at the time of bid:
    - Good Faith Efforts Affidavit
    - MBE/SLBE Subcontracting and Supplier Certification, if applicable
    - Appropriate Subcontractor/Subconsultant/Supplier subcontracting plan, if applicable
    - MBE/SLBE Unavailability Form, if applicable
    - Good Faith Efforts Documentation MBE/WBE/SLBE Contact/Bids Received Log Form
    - All other Good Faith Efforts documentation defined herein, if applicable
    - Non-Discrimination Declaration

The following is a list of the forms included in the Good Faith Efforts Guide:

1. **GOOD FAITH EFFORTS AFFIDAVIT:** All prospective Bidders or Proposers must submit this form with the bid packet or proposal package and certifies that the Bidder/Proposer agrees to comply with WSSC Water's GFE Guide Policy.
2. **SUBCONTRACTOR/SUBCONSULTANT/SUPPLIER INTENT FORMS:** Prospective Bidders/Proposers who will meet or exceed the subcontracting requirement must submit the following additional forms at the time of bid, if applicable for the contracting area defined:  
**Note:** One form for each MBE/WBE or SLBE Subcontractor, Subconsultant or Supplier is required **AND** for all industries, a list of Subcontractors/Subconsultants and/or Suppliers. All subcontracting plans will be validated by the OSDI.

##### For Professional Services, Goods & Services and Construction

- MBE/SLBE Subcontracting and Supplier Certification
- Subcontracting and Supplier Certification

##### For Architectural and Engineering Consultants

- MBE/SLBE Execution Certification for A&E Consultants
- MBE/SLBE Execution Certification - General Description of Services for A&E Consultants
- Subconsultant Execution Certification for A&E Consultants
- Subconsultant Execution Certification – General Description of Services for A&E Consultants

3. **GOOD FAITH EFFORTS DOCUMENTATION MBE/WBE/SLBE CONTACT/BIDS RECEIVED LOG FORM:** The Form documents prospective Bidder's/Proposer's GFE to obtain MBEs/WBEs or SLBE subcontracting, subconsulting or supplier opportunity in compliance with the GFE Guide. Applies when requesting a full or partial waiver or post award.
4. **MBE/SLBE UNAVAILABILITY FORM:** This form verifies the contacted Subcontractor, Subconsultant or supplier was not available for work for the reasons stated on the form. Applies when requesting a full or partial waiver at time of bid or post award.
5. **CHANGE OF MBE/WBE OR SLBE SUBCONTRACTOR/SUBCONSULTANT OR SUPPLIER FORM:** This Form must be completed by the Prime Contractor to document Subcontractor, Subconsultant or Supplier changes during the term of the Contract. Typically, applies post award.

V. **SUBMISSION OF GOOD FAITH EFFORTS DOCUMENTATION**

The Washington Suburban Sanitary Commission (WSSC or Commission) is not responsible for delays or problems with or caused by fax transmissions or postal/express mail services. It is the responsibility of the Prime Contractor to ensure all documentation submitted is received in accordance with the GFE Guide. Photocopied forms or forms without authorized signatures will not be accepted.

**Submit all required information to:**

Washington Suburban Sanitary Commission  
Good Faith Efforts Guide  
Attn: Office of Supplier Diversity & Inclusion (OSDI),  
8<sup>th</sup> Floor  
14501 Sweitzer Lane  
Laurel, MD 20707

Or

Email: [SupplierDiversity@wsscwater.com](mailto:SupplierDiversity@wsscwater.com)

Or

Fax: (301) 206-8503

**Questions:**

**Office of Supplier Diversity & Inclusion (OSDI) - Main: (301) 206-8800**

**Procurement Office - Main: (301) 206-8866**

No Prospective Bidder or Proposer, requesting a full or partial waiver, shall be awarded a Contract on an Eligible Contract/Project unless the OSDI determines that the Bidder or Proposer has satisfied the requirement of demonstrating a Good Faith Effort equal to or greater than the **90 Points minimum evaluation criteria on the Eligible Contract/Project.**

Accordingly, each Bidder or Proposer shall submit with the Bid the following:

1. **Declaration of Non-Discrimination.** Each Bidder or Proposer shall submit with their Bid/Proposal a Declaration of Non-Discrimination.
2. **Outreach Efforts Documentation.** If requesting a full or partial waiver, each Bidder or Proposer shall submit with their Bid a Subcontractor/Subconsultant and Supplier Summary Contact Form demonstrating the Bidder's or Proposer's outreach efforts to identify, contract with, or utilize all (*i.e.*, MBEs, WBEs and Non-MBE/WBEs) potential Subcontractors/Subconsultants or Suppliers on the Eligible Project.
3. **MBE/SLBE Participation Plan (if applicable).** Each Bidder shall submit with their MBE/SLBE Participation Plan the name, address, telephone number and contact person of each Subcontractor/Subconsultant or Supplier to be used during the Contract, the NAICS Code and the type of work or service each business will perform, the dollar value of the work and the scope of work, certificate number of each business, and any other information requested by the OSDI.
4. **MBE Certification (if applicable).** The OSDI shall verify that all entities claiming MBE status have been validly certified by either: The state certification agency designated under Section 14–303(b) of the State Finance and Procurement Article (or any successor Section thereto); or by any other certification Program that the Commission determines substantially duplicates the requirements of the state certification agency, provided that, before accepting an alternate certification Guide, the Commission examines that Program to ensure compliance with the requirements of Section 20-204(c) of the Public Utilities Article (or any successor Section thereto). The following is a list of third-party certification agencies that are recognized by the Commission's MBE and SLBE Programs:

- **Maryland Department of Transportation (MDOT);**
- **Prince George's County Supplier Development & Diversity Division (SDDD);**
- **District of Columbia's Department of Small and Local Business Development (DC- DSLBD);**
- **Capitol Region Supplier Development Council (CRMSDC); and**
- **WBEC Greater DMV Women's Business Enterprise Council.**

In accordance with Minority Business Enterprise (MBE) Program Regulation, WSSC Code of Regulations, Chapter 6.30 and applicable laws, the Commission may recognize the MBE certifications that it determines substantially duplicated the requirements of the State certification agency.

Please note that WSSC Water recognizes DBEs only from the District of Columbia.



## **VI. GOOD FAITH EFFORTS GUIDE CRITERIA**

***It is important to understand that a Bidder/Proposer seeking a waiver request must submit the request, in writing, at the time of bid.*** It is important to understand that a Bidder seeking a full or partial waiver request must submit the request at the time of bid. In support of the waiver request, the Bidder must also submit proof of their good faith efforts at the time of bid. The good faith efforts' supporting documentation must show what actions the Bidder/Proposer has taken to maximize the participation/utilization of certified minority firms or WSSC Water-Approved small local business enterprises and service-disabled small local business enterprises. The extent of such efforts will be evaluated by the Commission's OSDI. ***(Please note: Good Faith Efforts begin prior to bid/proposal submission and must continue through the life of the contract, if awarded):***

The good faith efforts of the Bidders' intent to comply with the MBE/SLBE subcontracting requirement and evaluation of that intent from a review of, but not limited to, the following:

1. Provide a copy of the advertisement(s) in local and/or trade publications and the services that they are attempting to subcontract. This effort would need to be made well in advance of pre-bid meetings, and at the very least, well before the bid or proposal due date.
2. Provide a list of MBE/SLBE/SLBE-SDV firms that were contacted. There should also be a statement regarding what type of contact was made with each firm and why these firms were not suitable to service this project.
3. Provide the list of opportunities that the Prime Contractor (Bidder and/or Proposer) had in regard to the portion of the project they intended to subcontract out. What areas would be better served by an entity that may have specialized services (i.e., trucking, paving, special supplies, electrical engineering, or asbestos abatement).
4. Submit a copy of information that was forwarded to the list of potential subcontracting firms. This step is to illustrate that adequate information was provided to firms that were contacted.
5. Provide evidence that no bid was rejected without a sound reason. This can be addressed adequately by complying with requirements 2-3.
6. Demonstrate attempts were made to assist interested MBE/SLBE firms with obtaining bonding and/or insurance that the Bidder/Proposer may make as a requirement of the MBE/SLBE firm to subcontract.
7. Demonstrate that they (Prime Contractor - Bidder and/or Proposer) utilized the services of the OSDI and the WSSC Water Supplier Portal System or any successor web-based compliance system thereto, or one of the certifying agencies recognized by WSSC Water in establishing the initial contact list. Provide a copy of the information that was furnished by these agencies and was used in contacting Bidders.

8. Provide the list of MBE/SLBE firms that were invited to bid on subcontract work but were not available to work.
9. Provide the list of MBE/SLBE/SLBE-SDV firms that were invited to bid on subcontract work but did not respond to the Invitation for Bid (IFB).
10. Provide the list of MBE/SLBE/SLBE-SDV firms that submitted bids which were not the low acceptable bid or fiscally sound according to my company's contracting policies.
11. Demonstrate that the Bidder selected portions of the work that could be performed by MBE/SLBE firms in order to increase the likelihood of meeting the subcontracting requirements (including, where applicable, breaking down the Contract work into economically feasible units to facilitate Subcontractor participation).
12. Provide documentation that MBE/SLBE/SLBE-SDV firms were invited, where appropriate, to meetings/conferences to inform them of subcontracting opportunities.
13. Provide documentation of written notice, to a reasonable number of specific MBE/SLBE firms of the Bidder's interest in the Contract that is being solicited, in sufficient time in order to allow MBE/SLBE firms to participate effectively.

## **VII. DETERMINATION OF GOOD FAITH EFFORTS**

The GFE will be determined on a point system. Points are awarded for Indicators 1 through 13 when required and completed documentation is submitted at the time the partial or full waiver is being requested (i.e. at bid or post award).

Points are awarded for each Indicator on an "all or nothing" basis. Points are not awarded for bid documentation deemed to be partially completed. There are 13 Indicators for the GFE documentation. Indicators 1 through 13 award points when the required documentation is submitted. Failure to include the required and completed GFE documentation and failure to achieve a minimum of **90 out of 125** points may render the bid non-responsive and could result in its rejection.

## Points for Each Indicator:

Indicator:	1	2	3	4	5	6	7	8	9	10	11	12	13	Total
Points:	5	5	5	10	5	10	10	15	15	15	10	10	10	125

Each Indicator has a different point value equal to 5, 10 or 15 and several Indicators are given credit in two or more areas. For example, acceptable documentation submitted for:

- Indicators 1, 2 and 3 credit also satisfies Indicator 5.

Indicators 8, 9 and 10 are each worth **(15)** points. Without sufficient documentation for Indicator 10 (including **all** MBE/SLBE/SLBE-SDV firms that submitted bids and a summary sheet) your firm will not be able to achieve the minimum **90 points**.

Indicator	GFE Criteria Summary Description
1	Evidence of ads regarding subcontracting opportunities
2	List of MBE/SLBE/SLBE-SDV firms contacted
3	List of subcontracting opportunities
4	Information sent to potential subcontracting firms
5	Evidence of justifiable rejection of bid
6	Assist MBEs/SLBEs/SLBE-SDVs to obtain bonding and/or insurance
7	Evidence of use of WSSC Water's Supplier Portal and OSDI
8	List of MBEs/SLBEs/SLBE-SDVs invited to bid on subcontracting work – Not available to work
9	List of MBEs/SLBEs/SLBE-SDVs invited to bid on subcontracting work - Did not respond to IFB
10	List of MBEs/SLBEs/SLBE-SDVs invited to bid on subcontracting work – Not low acceptable bid or fiscally sound
11	List of selected portions of subcontracting work
12	Evidence that MBEs/SLBEs/SLBE-SDVs were invited to meetings
13	Evidence of written notice of Prime's intent to bid and invitation for potential Subcontractors for work

## VIII. GOOD FAITH EFFORTS DOCUMENTATION FORMS

### Guidelines for completing the Good Faith Efforts Documentation Forms:

1. Bidders and Proposers are prohibited from requiring prospective Subcontractor(s)/ Subconsultant(s) or Supplier(s) pre-signed with ink or a pre-signed photocopy of blank Subcontracting Certification Forms.
2. Bidders and Proposers are prohibited from maintaining on file pre-signed blank Certification Forms. Subcontractors should not sign blank Subcontracting Certification Forms.
3. A photocopy of any Certification Form is not acceptable. Only original Subcontracting Certification Forms will be accepted (***“original” is defined as original signatures***). Submittals including photocopied forms will be rendered as non-responsive.
4. The two (2) Authorized Signatures on all form must be signed in ink.
  - a) Use the applicable mandatory form; complete and submit at the time of bid an original, signed Subcontracting Certification Forms for the applicable Eligible Project.
  - b) Complete and submit at the time of bid an original, signed Non-Discrimination Declaration.
  - c) If applicable, complete and submit at the time of bid an original, signed Unavailability Form.
  - d) Complete and submit at the time of bid an original, signed Subcontractors/Subconsultants and Suppliers Summary Contact Form.

# **GOOD FAITH EFFORTS GUIDE**

## **Good Faith Efforts Guide Documentation Forms**

**WASHINGTON SUBURBAN SANITARY COMMISSION  
GOOD FAITH EFFORTS AFFIDAVIT**

It is the policy of the Washington Suburban Sanitary Commission (WSSC) to involve qualified Minority/Woman-Owned Business Enterprises (MBE/WBE) and Small Local Business Enterprises (SLBE) to the greatest extent feasible on WSSC contracts. WSSC and its prime contractors shall not discriminate on the basis of race, color, religion, national origin, or sex in the award and performance of contracts. In consideration of this policy, WSSC has established the Good Faith Efforts (GFE) Guide for all WSSC contracts.

**MBE/SLBE/SLBE-SDV Participation Requirements**

On March 15, 2017, WSSC approved by Resolution Number 2017-2149, race- and gender-conscious remedies through its minority business enterprise program codified in MBE Program Regulations, WSSC Code of Regulations, Chapter 6.30, and a small local business enterprise program codified in SLBE Program Regulation, WSSC Code of Regulations, Chapter 6.35. Both Regulations authorize the Office of Supplier Diversity & Inclusion (OSDI) Director to establish subcontracting/subconsulting supplier requirements or goals for all prospective bidders/proposers to ensure a reasonable degree of MBE/SLBE/SLBE-SDV participation in WSSC contracts. It is the aspirational goal of the WSSC that a certain percentage of work under each contract be executed by one or more MBEs/SLBEs/SLBE-SDVs. **Complete the following information:**

Solicitation/Contract No.: \_\_\_\_\_

**Total MBE/SLBE Subcontracting:** \_\_\_\_\_%

The apparent low bidder/proposer shall agree to meet the established subcontracting requirement or must demonstrate and document its GFE to include MBEs/WBEs or SLBEs in subcontracting, subconsulting or purchase of material supplies opportunities when requesting a full or partial waiver. The apparent low bidder/proposer who fails to adequately document GFE, when requesting a waiver, to subcontract, subconsult or purchase significant material supplies from MBEs/WBEs or SLBEs may be denied award of the contract by the WSSC based on the prime contractor's failure to be a "responsive" or "responsible" bidder/proposer.

**Certification:** By signing below, I agree that I understand the GFE Criteria, Evaluation Point System and all information pertaining to the submission of GFE documentation and I agree to provide the WSSC's Office of Supplier Diversity & Inclusion (OSDI) with a completed copy of all required forms provided within the GFE Guide when requesting a full or partial waiver at the time of bid or at any point throughout the life of the contract. I understand that, if applicable, I fail to provide all of the required documents at the time of submission of my bid packet or proposal package, my bid may be deemed "non-responsive" or "non-responsible" and I may be denied award of the contract.

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Solicitation Number/Contract Title

**WASHINGTON SUBURBAN SANITARY COMMISSION  
SUBCONTRACTING AND SUPPLIER CERTIFICATION FORM  
FOR ALL CONTRACTING AREAS**

The undersigned certify that they shall enter into an Agreement to provide services to the Washington Suburban Sanitary Commission. **In addition, by their signatures below, the undersigned hereby agree that they shall permit the Washington Suburban Sanitary Commission to conduct audits of the undersigned in accordance with Chapter 6.15.450 of WSSC Water's Procurement Regulations.**

Solicitation/Contract No.: \_\_\_\_\_ Project Name: \_\_\_\_\_

Contract Value: \$ \_\_\_\_\_ Federally Funded Contract: \_\_\_\_\_ Yes \_\_\_\_\_ No

1. Please check the appropriate business classifications for the **Prime Contractor/Consultant (check all that apply)**:

- ☐ Certified Minority Business Enterprise Firm      ☐ WSSC Water Approved Small Local Business Enterprise Firm  
☐ African American    ☐ Hispanic American    ☐ Asian American    ☐ Native American    ☐ Female/Women-Owned/WBE  
☐ Majority, Non-Designated

2. Please check the appropriate business classifications for the **Subcontractor/Sub-consultant/Supplier (check all that apply)**:

- ☐ Certified Minority Business Enterprise Firm      ☐ WSSC Water Approved Small Local Business Enterprise Firm  
☐ African American    ☐ Hispanic American    ☐ Asian American    ☐ Native American    ☐ Female/Women-Owned/WBE  
☐ Majority, Non-Designated

MBE Certifying Agency Name \_\_\_\_\_ and Certification No. \_\_\_\_\_

Name and Address of **Prime Contractor/Consultant**

Name and Address of **MAJORITY/MBE/SLBE  
Subcontractor/Sub-consultant/Supplier:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone No.

Telephone No.

Email \_\_\_\_\_

Email \_\_\_\_\_

Value of Subcontracted or Supplier Services/Commodities:

\$ \_\_\_\_\_

Percentage of Contract Value:

\_\_\_\_\_ %

**CERTIFICATION: We certify that we shall enter into a valid Agreement to perform the work as described for the percentage of Total Price above.**

\_\_\_\_\_  
Prime Contractor/Consultant (Authorized Signature in ink)

\_\_\_\_\_  
Subcontractor/Sub-consultant (Authorized Signature in ink)

\_\_\_\_\_  
Title & Date of Person Signing

\_\_\_\_\_  
Title & Date of Person Signing

\_\_\_\_\_  
Witness/Attest

\_\_\_\_\_  
Witness/Attest

\_\_\_\_\_  
Signature/Title of Person

\_\_\_\_\_  
Signature/Title of Person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

The two (2) Authorized Signatures on this form must be signed in ink. Photocopies are not acceptable.

# WASHINGTON SUBURBAN SANITARY COMMISSION SUBCONTRACTING AND SUPPLIER CERTIFICATION FORM FOR ALL CONTRACTING AREAS

The undersigned certify that they shall enter into an Agreement to provide services to the Washington Suburban Sanitary Commission. **In addition, by their signatures below, the undersigned hereby agree that they shall permit the Washington Suburban Sanitary Commission to conduct audits of the undersigned in accordance with § 4-602 of WSSC's Procurement Regulations.**

Solicitation/Contract No.: \_\_\_\_\_ Project Name: \_\_\_\_\_

Prime Contractor/Consultant.:

Subcontractor/Supplier/Subconsultant: \_\_\_\_\_

Detailed Description and Plan of Subcontracted or Supplier, Services or Commodities

[illegible]

Include Primary NAICS Code for Services (Maximum 2)



**WASHINGTON SUBURBAN SANITARY COMMISSION  
NON-DISCRIMINATION DECLARATION**

The undersigned understands that it is the policy of WSSC Water to promote full and equal business opportunities for all businesses seeking or conducting business with WSSC Water. The undersigned declares that we have not discriminated, on the basis of a firm's revenue or employee size with regard to prime contracting, subcontracting or partnering opportunities. The undersigned further declares that we have completed truthfully and fully the required MBE/SLBE Subcontracting and Subcontracting/Subconsulting certificates included in this document as applicable. Set forth below is the signature of the officer of the bidding entity with the authority to bind the entity.

\_\_\_\_\_  
Printed Name of Authorized Officer

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Solicitation Number and Project Title

Signed and sealed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_, the authorized person for the bidding entity who signed above declaration in my presence.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Date

(SEAL)

**WASHINGTON SUBURBAN SANITARY COMMISSION  
MBE/SLBE UNAVAILABILITY FORM**

I, \_\_\_\_\_, \_\_\_\_\_  
(Print Name) (Title)  
of \_\_\_\_\_, certify that on \_\_\_\_\_, 20\_\_\_\_  
(Firm Name) (Date)

I contacted the following MBE or SLBE to obtain a bid for work items to be performed on  
Solicitation/Contract No.: \_\_\_\_\_.

Project/Contract Name: \_\_\_\_\_.

Firm Name (Print): \_\_\_\_\_

Services Sought (Describe): \_\_\_\_\_

Form of Bid Sought (*i.e.*, Unit Price, Materials and Labor, Labor Only, etc.):  
\_\_\_\_\_

**CERTIFICATION:** (To Be Completed by the Prime) To the best of my knowledge and belief, the said MBE/SLBE was unavailable (exclusive of unavailability due to lack of agreement on price) for the service(s) sought on this contract, or unable to prepare a bid, for the following reason(s) provided by the MBE/SLBE:  
\_\_\_\_\_

Authorized Signature (Contractor): \_\_\_\_\_

Print Name & Title: \_\_\_\_\_ Date: \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_ was offered an opportunity to bid as a Subcontractor/Subconsultant on the above  
(Name of MBE/SLBE)

Solicitation/Contract No. on \_\_\_\_\_, 20 \_\_\_\_ by \_\_\_\_\_  
(Source)

(Seal)

**CERTIFICATION:** (To Be Completed by the Subcontractor): I certify that the above statement is a true and accurate account of why the stated MBE/SLBE named on this certificate did not submit a bid as a subcontractor/subconsultant on this Solicitation/Contract.

Authorized Signature (MBE/SLBE): \_\_\_\_\_

Print Name & Title: \_\_\_\_\_ Date: \_\_\_\_\_, 20 \_\_\_\_

(Seal)

**The two (2) Authorized Signatures on this form must be signed in ink. Photocopies are not acceptable.**

**FORM MBE/SLBE**

**WASHINGTON SUBURBAN SANITARY COMMISSION  
ALL SUBCONTRACTORS/SUBCONSULTANTS AND SUPPLIERS CONTACT SUMMARY FORM**

Note: Must be submitted with a Request for Waiver, otherwise may be submitted as an optional document for information purposes only.

Bidder or Proposer Name: \_\_\_\_\_

Bidder or Proposer shall record their contacts with all subcontractors or suppliers. Additional forms may be copied if needed. Indicate Page number and initial.

Name of MBE/SLBE Subcontractor/ Subconsultant or Supplier	Contact Name Address Phone No.	Type of Work	Good Faith Effort Division of Work	Phone Contact		Type of Classification and Business	Date Solicitation Letter/Fax Sent	Results of Contact
				Date of Call	Person Receiving Call			

Type of Work: (A) Architectural & Engineering, (C) Construction, (G) Goods & Services, (P) Professional Services

Type of Classification: (AA) African American, (HA) Hispanic American, (SA) Asian American, (NA) Native American, (F/WBE) Female/Woman-Owned Business Enterprise

Type of Businesses: (MBE) Minority Business Enterprise, (SLBE) Small Local Business Enterprise, (WBE) Woman Business Enterprise, (SLBE-SDV) Small Local Business Enterprise Service-Disabled Veteran

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Typed Name & Title: \_\_\_\_\_

Telephone Phone No.: \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_: \_\_\_\_\_

Initial Additional Page: \_\_\_\_\_

# **GOOD FAITH EFFORTS GUIDE**

## **Purpose, Rating and Good Faith Efforts Criteria**

## **IX. PURPOSE, RATING AND GOOD FAITH EFFORTS CRITERIA**

<b>1</b>	<b>Evidence of Ads Regarding Subcontract Opportunities</b>	<b>Total Points: 5</b>
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**Purpose:** To ensure the public/business community is well-informed and made aware of WSSC Water-funded projects and to outreach to MBEs/SLBEs/SLBE-SDVs firms for potential subcontract, Subconsultant or Supplier opportunities.

**Criteria:** Provide a copy of the advertisement(s) in local and/or trade publications and the services that they are attempting to subcontract. This effort would need to be made well in advance of pre-bid meetings, and at the very least, well before the bid or proposal due date.

<b>2</b>	<b>MBE/SLBE Firms Contacted</b>	<b>Total Points: 5</b>
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**Purpose:** To ensure the Bidder/Proposer provided written notice to potential MBE/SLBE Subcontractors, Subconsultants and Suppliers requesting bids for the identified work.

**Criteria:** Provide a list of MBE/SLBE/SLBE-SDV firms that were contacted. There should also be a statement regarding what type of contact was made with each firm and why these firms were not suitable to service this project.

<b>3</b>	<b>List of Subcontract Opportunities</b>	<b>Total Points: 5</b>
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**Purpose:** To ensure the Bidder/Proposer has determined and communicated to potential MBEs/SLBEs/SLBE-SDVs which services are available for subcontract, Subconsultant and/or Supplier opportunities.

**Criteria:** Provide the list of opportunities that the Prime Contractor (Bidder and/or Proposer) had in regard to the portion of the project they intended to subcontract out. What areas would be better served by an entity that may have specialized services (*i.e.*, trucking, paving, special supplies, electrical engineering, or asbestos abatement).

<b>4</b>	<b>Information Sent to Potential Subcontracting Firms</b>	<b>Total Points: 10</b>
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**Purpose:** To ensure the Bidder/Proposer has provided potential subcontracting firms with information about the WSSC Water-funded projects it intends to bid on.

**Criteria:** Submit a copy of information that was forwarded to the list of potential subcontracting firms. This step is to illustrate that adequate information was provided to firms that were contacted.

<b>5</b>	<b>Evidence of Justifiable Rejection of Bid</b>	<b>Total Points: 5</b>
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**Purpose:** To ensure the Bidder/Proposer has taken all appropriate measures to include potential MBEs/SLBEs/SLBE-SDVs identified and contacted on WSSC Water-funded projects but determined sound reason(s) for exclusion.

**Criteria:** Provide evidence that no bid was rejected without a sound reason. This can be addressed adequately by complying with requirements 2-3.

<b>6</b>	<b>Assist MBE/SLBE to Obtain Bonding and/or Insurance</b>	<b>Total Points: 10</b>
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**Purpose:** To ensure the Bidder/Proposer has extended efforts to advise and assist interested MBEs/SLBEs in obtaining bonds and/or insurance as required by WSSC Water on specific projects.

**Criteria:** Demonstrate attempts were made to assist interested MBE/SLBE/SLBE-SDV firms with obtaining bonding and/or insurance that the Bidder/Proposer may make as a requirement of the MBE/SLBE/SLBE-SDV firm to subcontract.

<b>7</b>	<b>Evidence of use of WSSC Water's Supplier Portal and OSDI</b>	<b>Total Points: 10</b>
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**Purpose:** To ensure the Bidder/Proposer has requested access to WSSC Water resources, including the OSDI's centralized database of registered firms interested to conduct business as a Prime or subcontract opportunity and from the primary organization with WSSC Water to help identify and link potential to MBEs/SLBEs/SLBE-SDVs.

**Criteria:** Demonstrate that they (Prime Contractor - Bidder and/or Proposer) utilized the services of the OSDI and the WSSC Water Supplier Portal System or any successor web-based compliance system thereto, or one of the certifying agencies recognized by WSSC Water in establishing the initial contact list. Provide a copy of the information that was furnished by these agencies and was used in contacting Bidders.

<b>8</b>	<b>List of MBE/SLBEs Invited to Bid on Subcontract Work - Not Available to Work</b>	<b>Total Points: 15</b>
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**Purpose:** To ensure the Bidder/Proposer has extended work opportunities to potential MBEs/SLBEs and to verify that MBEs/SLBEs/SLBE-SDVs indicated not available for work.

**Criteria:** Provide the list of MBE/SLBE/SLBE-SDV firms that were invited to bid on subcontract work but were not available to work.

<b>9</b>	<b>List of MBEs/SLBEs Invited to Bid on Subcontract Work - Did Not Respond to IFB</b>	<b>Total Points: 15</b>
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**Purpose:** To ensure the Bidder/Proposer has extended work opportunities to potential MBE/SLBE and to verify that invited MBEs/SLBEs/SLBE-SDVs failed to respond.

**Criteria:** Provide the list of MBE/SLBE/SLBE-SDV firms that were invited to bid on subcontract work, but did not respond to the Invitation for Bid (IFB)

<b>10</b>	<b>List of MBEs/SLBEs Invited to Bid on Subcontract Work - Not Low Acceptable Bid or Fiscally Sound</b>	<b>Total Points: 15</b>
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**Purpose:** To ensure the Bidder/Proposer has extended work opportunities to potential MBE/SLBE and to verify that invited MBEs/SLBEs/SLBE-SDVs were not the low Bidder or demonstrated they were not fiscally sound in accordance with the firm's contracting policies.

**Criteria:** Provide the list of MBE/SLBE/SLBE-SDV firms that submitted bids which were not the low acceptable bid or fiscally sound according to my company's contracting policies.

<b>11</b>	<b>Evidence of Selected Portions of Subcontract Work</b>	<b>Total Points: 10</b>
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**Purpose:** To ensure the Bidder/Proposer identified specific subcontract opportunities that enabled more MBEs/SLBEs/SLBE-SDVs to be considered for the work.

**Criteria:** Demonstrate that the Bidder selected portions of the work that could be performed by MBE/SLBE firms in order to increase the likelihood of meeting the subcontracting requirements (including, where applicable, breaking down the Contract work into economically feasible units to facilitate Subcontractor participation).

<b>12</b>	<b>Evidence MBE/SLBE/SLBE-SDVs Invited to Meetings</b>	<b>Total Points: 10</b>
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**Purpose:** To ensure the Bidder/Proposer provided access to MBEs/SLBEs/SLBE-SDVs to informational sessions regarding specific subcontracting opportunities.

**Criteria:** Provide documentation that MBE/SLBE/SLBE-SDV firms were invited, where appropriate, to meetings/conferences to inform them of subcontracting opportunities.

<b>13</b>	<b>Evidence of Written Notice of Prime's Intent to Bid and Invitation for Potential Subcontractors for Work</b>	<b>Total Points: 10</b>
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**Purpose:** To ensure the Bidder/Proposer has provided sufficient notification to potential MBEs/SLBEs/SLBE-SDVs of the Bidder's/Proposer's interest in bidding on a WSSC Water-funded Contract to facilitate the MBEs/SLBEs/SLBE-SDVs decision to participate and preparation of a bid for subcontracting.

**Criteria:** Provide documentation of written notice, to a reasonable number of specific MBE/SLBE/SLBE-SDV firms of the Bidder's interest in the Contract that is being solicited; in sufficient time in order to allow MBE/SLBE/SLBE-SDV firms to participate effectively.

## **Appendix A – Good Faith Efforts (GFEs)**

### **Post-Award of a Solicitation**

Good Faith Efforts (GFE) **must** continue post-award (and throughout the life of the contracting vehicle) of a Solicitation and through the full Contract term and option years (if applicable). GFE applies to Change Orders, Addendums and Amendments of **ALL** WSSC Water's contracts/purchases/purchase orders. The Office of Supplier Diversity & Inclusion (OSDI) evaluates good faith efforts' pre-award and post-award of Solicitations. Similar to pre-award of a Solicitation post-award GFEs will be determined on a point system. Points are awarded for Indicators 1 through 13 when required and completed documentation is submitted at the time the partial or full waiver is being requested. Points are awarded for each Indicator on an "all or nothing" basis. Points are not awarded for documentation deemed to be partially completed. Post-award (and if requesting a full or partial waiver) of a Solicitation Indicators **2, 3, 5, 7 8, 9, and 10 (total possible points 70)** are assessed to determine the demonstration of GFEs and **must be** accompanied by the GFEs' documentation. Failure to include the required and completed GFE documentation and failure to achieve a minimum of **50 out of 70** points **may** result in a denial of a full or partial waiver request post award. The following indicators will be used post-award of a Solicitation, and during the life of the Contract/Purchase Order) to assess the demonstration of GFEs exercised by the Prime/Supplier/Vendor to meet the subcontracting requirement outlined in the Purchase Order/Contract documents (*for more details related to the indicators identified, please see pages 24 through 28*):

Indicator(s)	GFE Criteria Summary Description (Post-Award)	Rating
2	List of MBE/SLBE firms contacted	5
3	List of subcontracting opportunities	5
5	Evidence of justifiable rejection of bid	5
7	Evidence of use of WSSC Water's Supplier Portal and OSDI	10
8	List of MBEs/SLBEs invited to bid on subcontracting work - Not available to work	15
9	List of MBEs/SLBEs invited to bid on subcontracting work - Did not respond to IFB	15
10	List of MBEs/SLBEs invited to bid on subcontracting work - Not low acceptable bid or fiscally sound	15



## **X. SAMPLES OF GOOD FAITH EFFORTS DOCUMENTATION**

Please note: the following selected samples are provided for demonstrative purposes only. Prime Contractors/ Vendors are invited to submit information on their established forms.

Information regarding the Prime Contractor/Vendor has been altered to maintain confidentiality.

# SAMPLE

## WASHINGTON SUBURBAN SANITARY COMMISSION GOOD FAITH EFFORTS SUBCONTRACTOR WORK LIST

**Bidder Name:** \_\_\_\_\_

**Bid Number/Name:** \_\_\_\_\_

List ALL Subcontractors/Subconsultants Below Please use correct legal name of Subcontractor/Subconsultant	Division of Work (e.g., painting, electrical, site work, etc.)	Dollar Amount Of Subcontract	If Certified MBE/WBE Or WSSC Water-Approved SLBE SLBE-SDV		
			MBE	WBE	SLBE/
<b>Name: Address:</b> <b>City/State&gt;Zip:</b> <b>Phone Number:</b> <b>Fax Number:</b> <b>Email Address:</b>					
<b>Name: Address:</b> <b>City/State&gt;Zip:</b> <b>Phone Number:</b> <b>Fax Number:</b> <b>Email Address:</b>					

Authorized Signature: Marcus Xyz  
 Typed Name & Title: Marcus Xyz, President and Owner  
 Page \_\_1\_\_ of \_\_1; Initial Additional Page: \_\_\_\_\_

Date: September 1, 2011  
 Telephone Phone No.: (301) 555-0987

**DISCLAIMER:** Using this sample document does not guarantee that the Good Faith Efforts will be satisfied. This is a “Sample Only” document.

# SAMPLE

## EVIDENCE OF CONTACT/BIDS RECEIVED LOG SATISFIES GFE CRITERIA:

### WASHINGTON SUBURBAN SANITARY COMMISSION MBE/WBE/SLBE CONTACT/BIDS RECEIVED LOG

**Bidder or Proposer Name:** XYZ Construction, Inc.

**Project Name & Bid/Contract #** \_\_\_\_\_

Bidder or Proposer shall record their contacts with all Subcontractors or Suppliers. Additional forms may be copied if needed. Indicate Page number and initial.

Name of MBE/SLBE/SLBE-SDV Subcontractor/ Subconsultant or Supplier	Contact Name, Address, Phone No.	Good Faith Effort Division of Work	Phone Contact		Type of Classification and Business (List all)	Date Solicitation Letter/Fax Sent	Results of Contact (Why Suitable/Not Suitable for Work)
			Date of Call	Person Receiving Call			
Any Pipeline, Inc.	123 Any Street Laurel, MD 20707 301-555-1234	Lay pipe lines	02/02/11	Mark Any	AA MBE	01/01/11	Not available for work due to firm's project schedule.
Wire Company, LLC	456 Wire Street Silver Spring, MD 20707 301-555-5678	Wire building	03/03/11	Jan Wire	F/WFE WBE	02/02/11	Available for work; low bid, meets company policies
Stone, Corp.	789 Stonework Street Germantown, MD 20707 301-555-9101	Supply masonry	04/04/11	Ben Stone	NA MBE	03/03/11	Available for work; low bid, meets company policies.

Type of Work: (A) Architectural & Engineering, (C) Construction, (G) Goods & Services, (P) Professional Services  
 Type of Classification: (AA) African-American, (HA) Hispanic-American, (AA) Asian-American, (NA) Native American, (F/WBE) Female/Woman-Owned Business Enterprise  
 Type of Businesses: (MBE) Minority Business Enterprise, (WBE) Woman Business Enterprise

Authorized Signature: *Marcus Xyz*

Typed Name & Title: Marcus Xyz, President and Owner

Page 1 of 1:

Initial Additional Page: \_\_\_\_\_

Date: September 1, 2011

Telephone Phone No.: (301) 555-0987

<b>SAMPLE</b>	
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## WASHINGTON SUBURBAN SANITARY COMMISSION GOOD FAITH EFFORTS BIDS-RECEIVED LOG

**Bidder Name:** \_\_\_\_\_ **Bid No.** \_\_\_\_\_ **Bid/Project/Contract Name:** \_\_\_\_\_

[illegible]

Authorized Signature: \_\_\_\_\_ Marcus Xyz  
 Typed Name & Title: \_\_\_\_\_ Marcus Xyz, President and Owner  
 Page 1 of 1; Initial Additional Page: \_\_\_\_\_

Date: September 1, 2011  
Telephone Phone No.: (301) 555-0987

**SAMPLE**

**EVIDENCE OF WRITTEN NOTICE (FAX TRANSMITTAL) TO SUBCONTRACTORS  
PROVIDING LIST OF SUBCONTRACT OPPORTUNITIES  
SATISFIES GFE CRITERIA:**

XYZ Construction, Inc.  
555 Xyz Street \* Hyattsville, Maryland 20707

RE: Invitation for Bid

September 1, 2011

Mark Any  
Any Pipeline, Inc.  
123 Any Street  
Laurel, Maryland 20707

Facsimile: (301) 555-1244

Project Name & Bid/Contract # \_\_\_\_\_

XYZ Construction Company is requesting sub-bids from qualified MBE/WBE/SLBE Subcontractors, Subconsultants, and Suppliers for: WSSC Water Solicitation Number #12345.

Project: Gaithersburg Infrastructure Piping Phase I  
Project#: AW-1234-A11  
Bid Date: 09-01-11 @ 2:00 PM EST.

Project Details: Seeking all trades including but not limited to: Construction area signs, clearing, concrete, storm drain pipe, striping, electrical, asphalt, grinding, hazardous materials removal, trucking, traffic control, and traffic uniforms.

We are an equal opportunity employer and intend to seriously negotiate with qualified MBEs/WBEs/SLBEs for project participation. If you are interested in bidding on this work or know a qualified business that is, please contact the Construction Group at (301) 206-0000.

Plans, Specs and other Requirements for the project are available for review at our offices at 555 Xyz Street, Hyattsville, Maryland 20707 or the WSSC Water's Suppliers Portal at <https://www.wsscwater.com/supplier>.

For assistance in obtaining bonds, lines of credit, and/or insurance for this project, please contact Marcus Xyz at (301) 555-0987.