

BUSINESS UTILIZATION GOALS

GOOD FAITH EFFORTS GUIDELINES

Contractor shall make and document their good faith efforts to meet Project goals for CERT-certified firms. If the Project's goal(s) for CERT-certified small businesses is/are not met, the County will determine if Contractor made sufficient good faith efforts to meet the goal(s).

A list of certified firms can be accessed on the CERT program website at: cert.smwbe.com.

Good faith efforts are:

- Not an afterthought
- Prompt corrective action taken when the company becomes aware goals are not being met
- Determined by the totality of circumstances
- Based on the quantity, quality, and timeliness of applicable efforts

When a contract has two goals (an SMBE & an SWBE goal), the County does not add both goals to create a total goal for the project, comprised of the sum of the two. The County accounts for the Contractor's committed participation of all SMBE and SWBE firms in a contract by crediting the value of a firm's contract for a scope of work toward one goal and reducing the other goal by such amount. This adjustment reflects the County's recognition that when a scope of work that was included in the calculation of both goals is performed by a firm whose contract value is credited toward one goal, the estimated value of that scope of work is no longer available to support the other goal.

Good faith efforts guidelines

1. Break out subcontracted work requirements into economically feasible units, as appropriate, to facilitate small business participation.
2. Search for applicable CERT certified firms to include in contract opportunities and encourage eligible small businesses to apply for CERT certifications.
3. Solicit CERT-certified firms as early as possible during the Project's procurement phase.
4. Provide CERT-certified firms no less time to respond to a bid solicitation than other solicited firms and providing CERT-certified firms with the same information that is provided to other prospective subcontractors.
5. Negotiate in good faith with CERT-certified firms.
6. Attend pre-bid conferences to network with interested CERT-certified firms, whether virtual or in-person.

7. Participate in or sponsoring networking events to which CERT-certified firms are invited.
8. Utilize the available services of small business associations; local, state, and federal small business assistance offices; and other organizations that assist small businesses.
9. Direct CERT-certified firms that need additional assistance to available community resources, such as Elevate Business HC; Minnesota Small Business Assistance Office; Metropolitan Economic Development Association (MEDA) Procurement Technical Assistance Center (PTAC); U.S. Small Business Administration (SBA); SCORE; LegalCORPS; WomenVenture, etc..
10. Participate in a mentor-protégé program with one or more CERT-certified protégé firms.
11. Target advertising of subcontracting opportunities to CERT-certified firms.
12. Provide technical, management and financial training and counseling to CERT-certified firms.
13. Notify CERT-certified firms that trade union membership is not required by the County to hold a subcontract in the Project, only payment of prevailing wage rates to covered craft labor classes.
14. Document solicitation efforts, responses and results, e.g., work type/description of work/service/material, firm name, contact name (first and last), contact date, contact method (if by phone provide phone number, if by email...), bid amount, result, and additional comments.
15. Submit complete, accurate and timely documents, reports and other information as requested by County.
16. Offer debriefings to unsuccessful CERT-certified bidders/proposers.

These guidelines are not intended to be mandatory checklist or a complete list of all potential good faith efforts. All documentation regarding good faith efforts must be collected and maintained in your files for at least two (2) years.