

## Denver Good faith Effort Criteria

The current Denver City Ordinance references in this case and now outlines steps that evidence a contractor's "good faith" effort. The steps are:

- Requirement to solicit through all reasonable and available means: Acceptable contact modes for solicitation shall be letters, facsimile transmissions, telephone communication and e-mail.
- Requirement to solicit in sufficient time: Solicitation must be made at least ten (10) calendar days before bid date or proposal submission.
- Requirement to demonstrate appropriate steps to follow up initial solicitation: Appropriate steps may be demonstrated by second contact attempts by letter, facsimile transmission, telephone communication or e-mail, if bidder/proposer failed to make contact on its first attempt.
- Requirement to break out work into economically feasible units: The bidder or proposer makes an effort to break up scopes of work into smaller units that could be bid on by MBE/WBEs.
- Conditions of reasonably consistent with industry practice: The bidder or proposer shall make a moderate and reasonable adjustment to the normal and practiced industry standard that demonstrates a reasonable willingness to divide up scopes of work to provide more opportunities for MBE/WBEs to bid/quote.
- Requirement of provision of timely adequate access: Such access shall be provided at least ten (10) calendar days before bid date or proposal submission.
- Requirement to negotiate in good faith: Good faith negotiation shall mean scheduled meaningful discussions that demonstrably seek to find reasonable ways to utilize the MBE/WBE on the contract, without preconceptions or assumptions which tend to discourage or defeat potential MBE/WBE utilization.
- Requirement that communications with MBE/WBE be consistent with industry practice: The communication shall be in accordance with normal and practiced standards in the industry for communication between bidders or proposers and prospective subcontractors or suppliers.

- Requirement of verification and verified statements: An attested transmittal of copies of actual bids received by the bidder or proposer that provide evidence that the MBE/WBE's bids/quotes that were received by the bidder or propose were not the lowest monetary bids in the scopes of work or supplies that the MBE/WBEs were competing for shall be supplied to the DSBO.
- Requirements of reasonable efforts to assist interested MBEs and WBEs. Reasonable efforts shall mean practical and rational attempts to refer MBE/WBEs to companies or organizations that provide direct services related to bonding, and insurance and financial institutions that assist small growing business, consistent with the bidder's or proposer's industry knowledge, experience and contacts.<sup>1</sup>

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<sup>1</sup> Division of Small Business Opportunity Rules and Regulations for Interpretation, Administration and Enforcement of Divisions 1 and 3, Article III of Chapter 28, D.R.M.C. and Article VII of Chapter 28, D.R.M.C. (2007), which is also found at: [www.milehigh.com/resources/custom/pdf/DSBO/DSBO\\_Rules\\_Regulations\\_1-12-07.pdf](http://www.milehigh.com/resources/custom/pdf/DSBO/DSBO_Rules_Regulations_1-12-07.pdf).