DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

Federal Aid Project No(s)

#HWY-309339-RP	MT-NH-NCPD 15(76), PARCEL 185, KALISPELL BYPASS
(project number)	(project designation)

THE DBE GOAL FOR THIS CONTRACT IS 0.00%

To be eligible for award of this contract, the bidder must execute and submit as part of its bid, these DBE REQUIREMENTS. Contract award may be conditioned upon satisfaction of the Montana Department of Transportation's (MDT) requirements as set forth below and in the Department's DBE Program.

1. The SCHEDULE OF PARTICIPATION will be used to determine whether the bidder has complied with the DBE goals of the project.

   a. Where a numerical goal greater than 0% (zero percent) has been assigned to the project, those bids that do not contain a Schedule, or contain a blank Schedule, may be considered nonresponsive and rejected. Those bids containing a Schedule that is incomplete or does not meet the assigned goal may also be considered nonresponsive and rejected. In any case where the apparent low bidder does not comply with the assigned project goal, a determination will be made within 48 hours of the bid opening, based upon the good faith efforts (Good Faith Efforts are outlined in the MDT DBE Program).

   b. DBEs not certified by MDT prior to the date the bids are opened will not be considered in determining whether the bid has complied with the goals.

   c. Where a numerical goal of 0% (zero percent) has been assigned to the project, bidders are encouraged to utilize the Schedule to indicate a commitment to using a DBE for a portion of the work in the project.

2. The BIDDER'S LIST will be used to gather information for use in determining appropriate DBE goals for upcoming fiscal years. Each firm, bidding on prime contracts and bidding or quoting subcontracts on federally-assisted projects MUST submit a completed Bidder's List within 48 hours of the bid opening. If the prime contractor has not received any bid or sub-quote information, the prime bidder must indicate NONE on the Bidder's List.

   a. MDT Construction projects: The Bidder's List may be included with the bid, or supplied within 48 hours of the bid opening.

   b. CTEP Construction projects: The Bidder's List may be included with the bid, or supplied to the local agency within 48 hours of the bid opening.

   c. MDT Consultant Design projects: The Bidder's List will be taken from the annual list of qualified consultants.

   d. CTEP Consultant projects: The initial list of qualified consultants must be provided to MDT within 48 hours of the submission deadline.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS (cont.)

Federal Aid Project No(s)

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(project number)	(project designation)

e. FTA Planning and Intercity Construction projects: The Bidder's List may be included with the bid, or supplied to the receiving agency within 48 hours of the bid opening.

3. In accordance with 49 CFR §26.13(b) which states, "Each contract that MDT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

   The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."

4. The prime contractor agrees to use MDT certified DBEs in the award of subcontracts to the fullest extent consistent with the performance of the contract. Under this certification, the bidder agrees to maintain records to document all contacts and specific efforts made to identify potential DBE firms, seek out, and utilize DBE contractors.

5. Substitution of DBEs or dollar amounts shown on the Schedule will not be permitted prior to the award of the contract. If it is determined that the scheduled DBE is unable to perform due to default, over extension, suspension, decertification or other reasons, the prime contractor agrees to replace the DBE subcontractor in accordance with the substitution process outlined in the MDT DBE Program.

6. DBE goal achievement or participation will be determined and counted towards the goal when each DBE executes, performs and is paid for each work item specified in their subcontract and in accordance with the MDT DBE Program.

7. The following criteria will be used when determining the amount of achievement towards DBE goals:

   a. **Manufacturer, 100% of the cost**: A certified DBE that produces goods from raw materials or substantially alters goods before resale.
   b. **Supplier/Regular Dealer, 60% of the cost**: A certified DBE that maintains and furnishes a supply of the goods involved for the purposes of resale to the general public.
   c. **Jobber/Broker, 100% of the fee**: The DBE's normal fee received over the cost of any goods, equipment or services supplied to the project.
   d. **Contractor/Subcontractor, 100%**: Work performed using the DBE's own equipment and/or personnel.

SCHEDULE OF PARTICIPATION BY DBEs

Federal Aid Project No(s)

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(project number) (project designation)

List below the information pertaining to MDT-certified DBEs with which the bidder has negotiated an agreement to participate in this contract in accordance with the MDT DBE Program requirements.

Name of Prime Contractor:

_____
(name)

DBE NAME:
ADDRESS:
EXPIRATION DATE:
BID QUOTE:
USED AS:
USED QUOTE?:

DBE NAME:
ADDRESS:
EXPIRATION DATE:
BID QUOTE:
USED AS:
USED QUOTE?:

DBE NAME:
ADDRESS:
EXPIRATION DATE:
BID QUOTE:
USED AS:
USED QUOTE?:

Entered: total % or total $
Required: total % or total $

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DBE BIDDER'S LIST

Federal Aid Project No(s)

#HWY-309339-RP (project number)

MT-NH-NCPD 15(76), PARCEL 185, KALISPELL BYPASS (project designation)

Name of Prime Bidder:

_____
(name)

In order to meet the requirements of the MDT DBE Program, each contractor supplying bid information on a federal-aid project must submit a completed Bidder's List within 48 hours of the bid opening. This must include a list of all contractors that have provided the bidder with quote, subquote, or estimate information. Whether or not the prime bidder used the information, all companies that provided bid information must be listed.

In the event the bidder has not received any bid information, the bidder must indicate that fact by writing NONE on the list. Blank or incomplete Bidder's Lists will not be accepted.

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Use additional sheets as necessary