



**PA Department of Transportations**  
Diverse Business (DB)  
Good Faith Efforts Requirements

Prepared for

**P3 Chalfont Mitigation Banking Forum**  
December 18, 2018

# Diverse Business (DB) Participation Program

- Created by Act 89 of 2013
- Applies to 100% state-funded (non-federally funded) projects.
  - Construction
  - Professional Services
- Applicable to PennDOT, the PA Turnpike, and Local Transportation Organizations

# ▶ What is a Diverse Business

The Diverse Business is defined as:

- Disadvantage business
- Minority owned
- Woman owned
- Service disabled veteran owned
- Veteran owned small business

## ➤ Diverse Business Program (cont.)

- All Diverse Businesses must be certified by a third-party certifying organization and verified by PennDOT.
- PennDOT may grant conditional approvals for diverse businesses designated for use by the apparent successful offeror if any DB has not been verified as a DB at the time of selection.

## ▶ Diverse Business Program (cont.)

- Third-party certifying organizations include, but are not limited to:
  - National Minority Supplier Development Council
  - Women’s Business Enterprise Council
  - Small Business Administration
  - Department of Veteran Affairs
  - Pennsylvania Unified Certification Program for a Disadvantaged Business Enterprise

## ▶ Diverse Business Program (cont.)

- Subcontracting commitment to a DB becomes a contractual obligation and there are monthly DB spend reporting requirements to [pd-non-ecms-db@pa.gov](mailto:pd-non-ecms-db@pa.gov).
- Good Faith Efforts (GFEs) required throughout the life of project.
- Although documentation is due seven (7) calendar days after notification to apparent successful offeror, the work to solicit DBs must be performed when the proposal is being developed.
- Refer to the Diverse Business Participation Appendix for requirements.

# Good Faith Efforts

- Examples:
  - Soliciting DB firms or potential DB firms that can be conditionally approved.
  - Selecting portions of the work to be performed by DBs.
  - Provide DBs with sufficient bidding information and adequate time to respond.
  - Negotiating in good faith with DBs.

## ➤ Good Faith Efforts (cont)

- DBs not rejected without sound reasons based upon their capability.
- Efforts to assist DBs in obtaining equipment, supplies, materials, or related services.
- Track record of firm.
- Not required to accept unreasonable or excessive fees.

## Procedures

A list of DBs or potential DBs that can perform the work or a portion of the work in the location of the project is available by searching:

- PennDOT's Engineering and Construction Engineering System (ECMS)  
<http://www.dot14.state.pa.us/ECMS/>
- The PA Unified Certification Program (PA UCP) website [www.paucp.com](http://www.paucp.com)

# Procedures

- Potential DBs should be encouraged by the Prime to submit a Non-ECMS Diverse Business Verification form (EO 386) to PennDOT's Bureau of Equal Opportunity to be verified as a DB
- Verified DBs should register in ECMS as a Business Partner to do business with PennDOT and to be visible by Primes seeking to subcontract their services  
[http://www.dotdom2.state.pa.us/ecms/BP\\_Reg/index.html](http://www.dotdom2.state.pa.us/ecms/BP_Reg/index.html)
- To facilitate the documentation of the good faith efforts, the apparent successful offeror is required to use the Successful Offeror's Intent to Subcontract Statement Form (EO 387)

# Diverse Business Supportive Services

Mr. Saheed Sims, Director

Cheyney DB Supportive Services Center

Email: [ssims@Cheyney.edu](mailto:ssims@Cheyney.edu)

610-399-2601 (Telephone)

Or visit: [Padbssc.com](http://Padbssc.com)

Services include:

- assistance to register in ECMS
- Provides trainings, consulting, and workshops to DBs

# Questions?

- PennDOT Diverse Business Contact Information

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Bureau of Equal Opportunity

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