

Substitutions and Good Faith Efforts

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SUBSTITUTIONS

Primes are expected to subcontract the work to Subcontractors and Suppliers as listed in the Bid.

Additions, deletions, or substitutions of DBE/SBE, SB/LSB are approved by the Resident Engineer (RE) which confers to OCR.

Must follow California Public Contract Code Section 4107.

Substitution of DBEs/SBEs, SBs/LSBs and other Subcontractors or Suppliers must be approved by OCR. A DBE/SBE, SB/LSB must be substituted for another DBE/SBE, SB/LSB or demonstrate good faith efforts (GFE).

SUBSTITUTIONS

On Federal and Non-Federal Contracts, the Prime may neither perform the work nor subcontract the work of the DBE/SBE, SB/LSB until BART has approved the substitution.

DBEs/SBEs, SBs/LSBs who are requested to be substituted shall be afforded a substitution hearing if so desired.

The Prime shall provide completed DBE/SBE, SB/LSB certification documentation for each new DBE/SBE, SB/LSB , respectively.

The District may not pay for the performance of the scope of work of a listed DBE/SBE, SB/LSB Subcontractor that is performed by a firm other than the listed Subcontractor unless the substitution is approved by the District.

Examples of Good Cause

The listed DBE/SBE, SB/LSB subcontractor fails or refuses to execute a written contract;

The listed DBE/SBE, SB/LSB subcontractor fails or refuses to perform the work of its subcontract

The listed DBE/SBE, SB/LSB subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal

The listed DBE/SBE, SB/LSB is ineligible to receive DBE/SBE, SB/LSB credit for the type of work required

You can find more good causes on 49 CFR 26.53(f)(3)

GFE and Substitutions: Substitute with another DBE/SBE, SB/LSB

Prime requests
to substitute a
DBE/SBE, SB/LSB

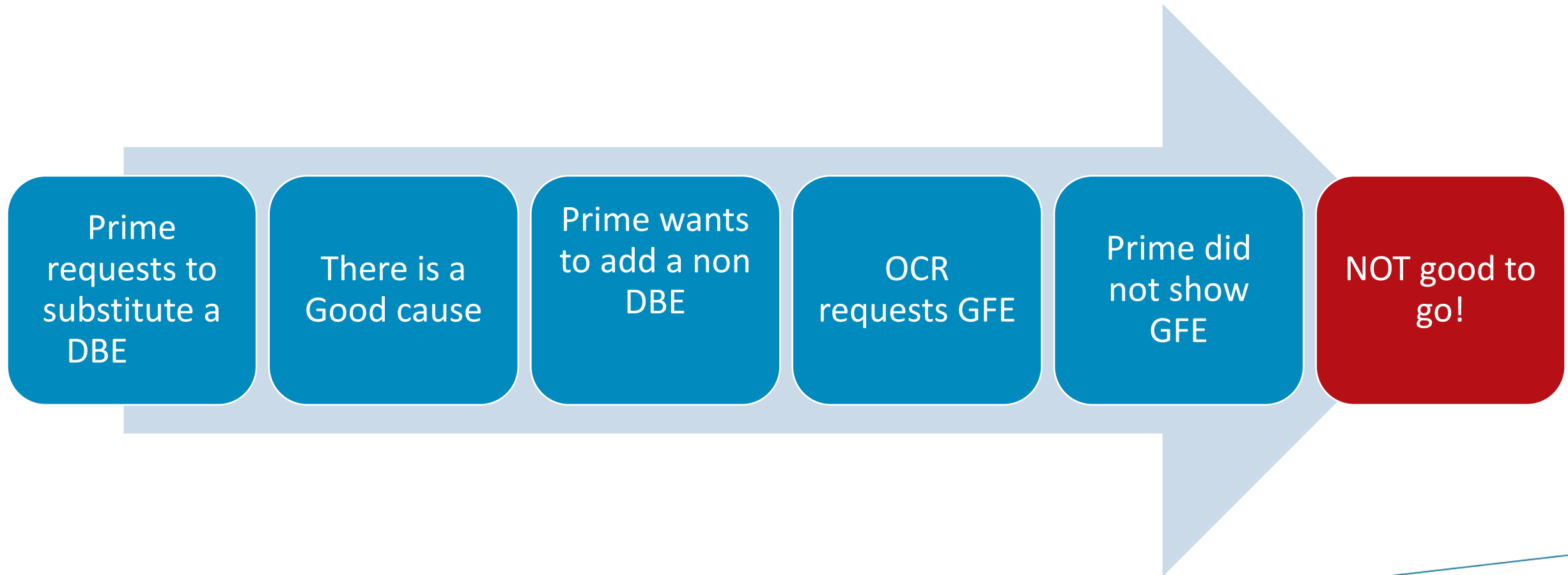
Is there a good
cause?

Prime wants to
use another
DBE/SBE, SB/LSB

No need for GFE

Good to go!

GFE and Substitutions: Substitute with non-DBE



Examples of Insufficient GFE

Failure to Advertise to DBE/SBE, SB/LSB Emails

- Letters
- Phone calls

Failure to Offer assistance with regard to bonding requirements and insurance requirements

Failure to make plans and specifications available to DBE/SBE, SB/LSB

Failure to Follow up on solicitations