

**WAC 468-19-050 Good faith efforts.** (1) The prime contractor shall utilize the MWBEs to perform the work and supply the materials for which each is committed through an executed contract, unless prior written approval by WSDOT has been received by the contractor. The prime contractor shall not be entitled to any payment for work or material completed by the prime contractor or other subcontractors that was committed to be completed by an MWBE.

(2) The prime contractor shall make a good faith effort (GFE) to achieve the MWBE contract goals. The following is a list of the types of actions which would be considered as part of the prime contractor's GFE to achieve MWBE participation. It is not intended to be an exclusive or exhaustive list. Other factors or types of efforts may be relevant in certain cases.

(a) Prime contractor solicited, through all reasonable and available means, the interest of all certified MWBEs who had the capability to perform the work of the contract.

(b) The prime contractor solicited interest with sufficient time to allow MWBEs to respond to the solicitation.

(c) The prime contractor determined with certainty that MWBEs were interested in taking appropriate steps to follow up initial solicitations with potential MWBEs.

(d) Where appropriate, breaking out the contract work items into economically feasible units to facilitate MWBE participation; even when the prime contractor might otherwise prefer to perform these work items with its own forces.

(e) Provided interested MWBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

(f) Not rejecting MWBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.

(g) Made efforts to assist interested MWBEs in obtaining bonding, lines of credit, or insurance as required by WSDOT or the prime contractor.

(h) Made efforts to assist interested MWBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

(i) Effectively used the services of available community organizations; contractor's groups; local, state, and federal small business assistance offices; and other organizations to provide assistance in recruitment and placement of MWBEs.

(j) Documentation of GFE must include copies of each MWBE and non-MWBE quotes submitted to the prime contractor when a non-MWBE selected over a MWBE for work on the contract.

[Statutory Authority: RCW 39.04.155, 43.19.727, 47.01.101, 47.28.030, and chapter 39.19 RCW. WSR 24-05-030, § 468-19-050, filed 2/12/24, effective 3/14/24.]