

## INSTRUCTIONS FOR PREPARING THE MAINEDOT BIDDER'S LIST FORM

The Contractor shall extend equal opportunity to MaineDOT-certified DBE firms (as listed in MaineDOT's DBE Directory of Certified Businesses) in the selection and utilization of subcontractors and suppliers.

Each prime contractor submitting a bid on a federally funded project must complete each section of the Bidder's List Form in its entirety for itself and each subcontractor on that project.

### SPECIFIC INSTRUCTIONS FOR COMPLETING THE FORM:

#### Section A:

1. Insert Prime Contractor Name
2. Insert WIN for the Federal Project bidding on
3. Insert Bid Date
4. Insert Project Location
5. Insert Email address of Contact Person

#### Section B:

- A. Enter each Contractor's and Sub-Contractor's name and address (including zip code) – Prime Contractor's name should be listed in the first box of this section; then, each additional line would be proposed subcontractors – DBE and Non-DBE
- B. Enter each Contractor's and Sub-Contractor's annual gross receipts bracket (see the legend on the form)
- C. Enter DBE status (DBE or non-DBE) for each contractor/subcontractor
- D. Enter each Contractor's and Sub-Contractor's NAICS (North American Industry Classification System) code (may be more than one) and Scope of Work
- E. For each Contractor and Sub-Contractor, enter the Race and Gender of the firm's majority owner
- F. Enter the Age of each firm for every Contractor and Sub-Contractor
- G. Enter the proposed amount of payment (Bid amount) for each Contractor/Sub-Contractor.

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This content is from the eCFR and is authoritative but unofficial.

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## Title 49 —Transportation

### Subtitle A —Office of the Secretary of Transportation

#### Part 26 —Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs

##### Subpart A —General

**Authority:** 23 U.S.C. 304 and 324; 42 U.S.C. 2000d, *et seq.*; 49 U.S.C. 47113, 47123; Sec. 1101(b), Pub. L. 114-94, 129 Stat. 1312, 1324 (23 U.S.C. 101 note); Sec. 150, Pub. L. 115-254, 132 Stat. 3215 (23 U.S.C. 101 note); Pub. L. 117-58, 135 Stat. 429 (23 U.S.C. 101 note).

**Source:** 64 FR 5126, Feb. 2, 1999, unless otherwise noted.

##### § 26.11 What records do recipients keep and report?

- (a) You must submit a report on DBE participation to the concerned Operating Administration containing all the information described in the Uniform Report to this part. This report must be submitted at the intervals required by, and in the format acceptable to, the concerned Operating Administration.
- (b) You must continue to provide data about your DBE program to the Department as directed by DOT Operating Administrations.
- (c) You must obtain bidders list information as described in paragraph (c)(2) of this section and enter it into a system designated by the Department.
  - (1) The purpose of this bidders list information is to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on your federally assisted contracts for use in helping you set your overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.
  - (2) You must obtain the following bidders list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each of your federally assisted contracts:
    - (i) Firm name;
    - (ii) Firm address including ZIP code;
    - (iii) Firm's status as a DBE or non-DBE;
    - (iv) Race and gender information for the firm's majority owner;
    - (v) NAICS code applicable to each scope of work the firm sought to perform in its bid;
    - (vi) Age of the firm; and
    - (vii) The annual gross receipts of the firm. You may obtain this information by asking each firm to indicate into what gross receipts bracket they fit (e.g., less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million; etc.) rather than requesting an exact figure from the firm.
  - (3) You must collect the data from all bidders for your federally assisted contracts by requiring the information in paragraph (c)(2) of this section to be submitted with their bids or initial responses to negotiated procurements. You must enter this data in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded. In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract

period as defined in a DBE Performance Plan pursuant to § 26.53(e), the data must be entered no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

- (d) You must maintain records documenting a firm's compliance with the requirements of this part. At a minimum, you must keep a complete application package for each certified firm and all Declarations of Eligibility, change notices, and on-site visit reports. These records must be retained in accordance with applicable record retention requirements for the recipient's financial assistance agreement. Other certification or compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the recipient's financial assistance agreement, whichever is longer.
- (e) The State department of transportation in each Unified Certification Program (UCP) established pursuant to § 26.81 must report to DOT's Departmental Office of Civil Rights each year, the following information:
  - (1) The number and percentage of in-state and out-of-state DBE certifications by gender and ethnicity (Black American, Asian-Pacific American, Native American, Hispanic American, Subcontinent-Asian Americans, and non-minority);
  - (2) The number of DBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible;
  - (3) The number of decertified firms:
    - (i) Total in-state and out-of-state firms decertified;
    - (ii) Names of in-state and out-of-state firms decertified because SEDO exceeded the personal net worth cap;
    - (iii) Names of in-state and out-of-state firms decertified for excess gross receipts beyond the relevant size standard.
  - (4) The number of in-state and out-of-state firms summarily suspended;
  - (5) The number of in-state and out-of-state applications received for an individualized determination of social and economic disadvantage status;
  - (6) The number of in-state and out-of-state firms certified whose owner(s) made an individualized showing of social and economic disadvantaged status.

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