

PUBLIC ACT 96-0706

NOTICE TO ALL CONTRACTORS AND ARCHITECTS/ENGINEERS

Revised February 1, 2010

Pursuant to the Public Act 96-0706, Construction Bidders will not be able to remedy deficiencies in meeting minority/female subcontractor/supplier participation goals following the bid opening. This means that Contractors who bid CDB projects will need to obtain all appropriate proposals from MBE/FBE firms prior to the bid date. **CDB will require that all bids received on or after December 1, 2009 follow this new requirement.**

The following is a list of changes (revised February 1, 2010) to the bidding and award process that Contractors will be required to follow as a result of PA 96-0706:

Pre-bid: Bidders will have to contact certified MBE/FBE firms prior to bidding in order to solicit subcontractor/supplier proposals. Bidders will also have to contact CDB Fair Employment Practices Unit (FEP) prior to bidding for any assistance in identifying MBE/FBE firms. Note: CDB accepts MBE/FBE firms certified by CMS. Other agency certifications must be registered with CMS prior to the bid opening to be deemed acceptable.

Bidding:

Bidders will have to fill out the FEP Bidding Form (00 41 05 form) in total completeness to show all MBE/FBE subcontractors/supplies to be used to meet goals (including base bid and all applicable alternates). Dollar values of proposals must be provided. Percentages will not be accepted. There will be no remedy to the form allowed after bidding.

Post-Bid:

If the goals are not met, then the Bidders will have to provide written documentation to show "Good Faith Effort." The documentation has to be submitted within seven (7) calendar days after the bid opening. Documentation must follow the guidelines set forth in the Standard Documents for Construction, Section 00 43 39.8. Failure to provide the documentation within seven (7)

calendar days after the bid opening will be a material deficiency and the bid will be rejected.

FEP will evaluate the 00 41 05 form and any applicable “Good Faith Effort” documentation during the Post-Bid phase.

Post Award:

The Awarded Contractor will have 10 calendar days from the Notice of Award (NOA) to submit the 665 forms and subcontractor/supplier agreements to the FEP for review and approval. The information on the 665 forms (Subcontractors/Suppliers and dollar values) must match the information provided on the 00 41 05 form. The Awarded Contractor will not be allowed to remedy any deficiencies on the 00 41 05 form after the bid opening.