


INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration,
Diversity Section

DATE: February 4, 2019

TO: Dr. Catherine O'Connor, Director of Engineering

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: **98% Review of Contract 07-027-3S – North Side Sludge Pipeline Replacement – Section 1, NSA**

We have reviewed the specifications for the subject contract and the material, labor, equipment and man-hours breakdown by trades. The work under this contract should be classified as "General Construction Services" The associated Minority Business Enterprise (MBE), Women Business Enterprise (WBE) and Small Business Enterprise (SBE) and Veteran-Owned Business Enterprise (VBE) individual goals are: **20% MBE, 10% WBE, 10% SBE and 3% VBE**. The goals should be specified in the Invitation to Bid, the Proposal, and the Agreement.

*The Bidder agrees to fulfill the Special Training Provisions for Apprentices as specified in the Appendix K and to provide training opportunities throughout the life of the contract. The requirements of the Special training Provisions for Apprentices are **1210 Minority and 430 Female hours** for the purpose of this contract.*

In addition:

- A Pre-Bid Conference should be conducted.
- A Suppliers Exception **has** been recommended.
- The Affirmative Action Ordinance Revised Appendix D, dated June 4, 2015, **must** be included.
- Appendix K **must** be included.
- Assist Agency List **must** be included.
- Appendix C **must** be included.
- Appendix V **must** be included.

Also, please refer to the attached **Revised** memo, February 1, 2019, for new boiler plate language. This language should be consistent in its incorporation in the Invitation to Bid, the Proposal, and the Agreement.

Additionally, below are items that need to be updated in the Contract Documents, Volume 1 of 3:

- On pages I-3 and A-10, replace 560 Minority and 200 Female hours ... with 1210 Minority and 430 Female hours
- On pages I-3 and P-6, replace The Bidder must sign the Signature Section page UP-5 ... with The Bidder must sign the Signature Section on page UP-5
- On page I-3, replace The Bidder shall submit with the Proposal a signed and completed ... with The Bidder shall submit with the Proposal the VBE Commitment Form and a signed and completed

- On page P-6, replace Submitted with this Proposal a signed and completed ... with Submitted with this Proposal is the VBE Commitment Form and a signed and completed
- On pages I-3, P-6 and A-10, replace The submitted MBE, WBE, SBE Utilization plan must be completed ... with The submitted MBE, WBE, SBE Subcontractor's Letter of Intent must be completed
- On pages I-3, P-7 and A-10, add the paragraph, after number 3. "4. Each Bidder must submit with their proposals a completed **VBE Commitment Form** which lists each business intended to be used as a VBE. The Bidder must make a "**Good Faith Effort**" to identify eligible Veteran Owned-Businesses by completing the VBE Commitment Form. If the Bidder is unable to identify qualified VBE subcontractors capable of providing goods or services required by the contract, the Bidder must write "**no participation**" on the VBE Commitment Form. Where a Bidder has failed to meet the VBE participation goal, the Administrator shall require the Contractor to submit a Veteran's Business Enterprise Good Faith Efforts Documentation Request Form and provide additional documentation of its good faith efforts in attempting to fulfill the VBE goal."
- On page I-3, remove the paragraph, "If a waiver from the Appendix D requirements is sought ... within three (3) days of receiving the written request."
- On page I-4, replace The work under this contract is classified "General and Heavy Construction" ... with The work under this contract is classified "General Construction"
- On page I-4, replace The associated goals are 20% Minority-owned Business Enterprises and/or 10% Women-owned Business, and 10% Small Business Enterprises ... with The associated goals are 20% Minority-owned Business Enterprise, 10% Women-owned Business Enterprise, 10% Small Business Enterprise and 3% Veteran-Owned Business Enterprise
- On page P-7, replace It is understood that even if the Bidder requests a waiver and/or offers itself to meet any of the Affirmative Action Interim Ordinance Appendix D goals, SIGNING the Utilization Plan is MANDATORY. The name of the Bidder is shown in the appropriate space(s) if the Bidder offers itself to satisfy any of the Affirmative Action Interim Ordinance Appendix D goals ... It is understood that even if the Bidder requests a waiver and/or offers itself to meet any of the Affirmative Action Ordinance, Revised Appendix D goals, SIGNING the Utilization Plan is MANDATORY. The name of the Bidder is shown in the appropriate space(s) if the Bidder offers itself to satisfy any of the Affirmative Action Ordinance, Revised Appendix D goals
- On page P-7, remove the paragraphs, "If a waiver from the Affirmative Action Interim Ordinance ... included in the package containing the Contract Documents."
- On page P-7, remove the paragraphs, "Subsequent to the bid opening ... within three (3) days of receiving the written request itself."
- On page P-7, replace The work under this contract is classified "General and Heavy Construction" for MBE, WBE, SBE utilization goals contained in the Affirmative Action Interim Ordinance Appendix D. The associated goals are 20% Minority-owned Business Enterprise (MBE), 10% Women-owned Business Enterprise (WBE), and 10% Small Business Enterprise (SBE) ... with The work under this contract is classified "General Construction" for MBE, WBE, SBE, VBE utilization goals contained in the Affirmative Action Ordinance, Revised Appendix D. The associated goals are 20% Minority-owned Business Enterprise (MBE), 10% Women-owned Business Enterprise (WBE), 10% Small Business Enterprise (SBE) and 3% Veteran-Owned Business Enterprise (VBE)
- On page P-7, replace The Bidder, if awarded the contract, is prepared to comply with the requirements of the Affirmative Action Interim Ordinance Appendix D during the life of the Contract ... with The Bidder, if awarded the contract, is prepared to comply with the

requirements of the Affirmative Action Ordinance, Revised Appendix D during the life of the Contract

- On page A-9, replace SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS (MINORITY, WOMEN'S AND SMALL) PARTICIPATION ... with SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS (MINORITY, WOMEN'S, SMALL AND VETERAN'S) PARTICIPATION
- On page A-9, replace The Contractor agrees to comply with the requirements, goals, terms, and conditions of the Affirmative Action Interim Ordinance Appendix D throughout the life of the Contract. The work under this contract is classified "General and Heavy Construction" for the Socially and Economically Disadvantaged Individuals Utilization Goals contained in the Affirmative Action Interim Ordinance Appendix D. The associated goals are 20% Minority-owned Business Enterprises MBE and/or 10% Women-owned Business Enterprises WBE, and 10% Small Business Enterprises SBE ... with The Contractor agrees to comply with the requirements, goals, terms, and conditions of the Affirmative Action Ordinance, Revised Appendix D throughout the life of the Contract. The work under this contract is classified "General Construction" for the Socially and Economically Disadvantaged Individuals Utilization Goals contained in the Affirmative Action Ordinance, Revised Appendix D. The associated goals are 20% Minority-owned Business Enterprise (MBE), 10% Women-owned Business Enterprise (WBE), 10% Small Business Enterprise (SBE) and 3% Veteran-Owned Business Enterprise (VBE)
- On page A-10, replace Letter of Certification from a state, local government or agency or documentation demonstrating that the subcontractor is a MBE, WBE or SBE within the meaning of the Interim Ordinance Appendix D. Failure to submit the MBE, WBE, SBE Subcontractor's Letter of Intent signed by each MBE, WBE, SBE will be viewed as non-responsive and the bid will be rejected ... with Letter of Certification from a state, local government or agency or documentation demonstrating that the subcontractor is a MBE, WBE or SBE within the meaning of the Affirmative Action Ordinance, Revised Appendix D. Failure to submit the MBE, WBE, SBE Utilization Plan signed by the Bidder at the time of the bid opening and the MBE, WBE, SBE Subcontractor's Letter of Intent signed by each MBE, WBE, SBE will be viewed as non-responsive and the bid will be rejected
- On page A-10, replace This exception will allow the bidder to utilize PCE suppliers for ... with This exception will allow the bidder to utilize MBE, WBE suppliers for
- On page AU-1, add the sentence, "The Director of Procurement and Materials Management has granted an exception to Section 11 (i) of the Affirmative Action Ordinance, Revised Appendix D. This exception will allow the bidder to utilize MBE, WBE suppliers for 100% goal attainment in their respective categories."

If you have any questions, please contact Malisa Torres, Diversity Officer at 1-5711.

RDB:MGT

Attachments

c: LoCascio, Cornier, Shields-Wright, Jacobs, Torres, File