

INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration, **DATE:** April 17, 2020
Diversity Section

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

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: **98% Review of Contract No. 15-829-1S, Television Inspection and Recording of Sewers and Manholes at Various Locations**

We have reviewed the documents and specifications for the subject contract. The work under this contract should be classified as "Construction Services". The associated tailored goals for Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Small Business Enterprises (SBE) and Veteran Business Enterprises (VBE) are: **7% MBE and/or WBE, 7% SBE and 3% VBE**. The goals should be specified in the Invitation to Bid, the Proposal, and the Agreement.

Below are the items that need to be updated:

- **On page I-2, (last paragraph)** – replace the sentence, "*The work under this Contract is classified as "Construction Services" for the Socially and Economically Disadvantage Individuals utilization goals....*" to read as, "*The work under this Contract is classified as "Construction Services" for the MBE, WBE, SBE utilization goals....*"
- **On page P-7 (6th paragraph)** – replace the following sentences in the paragraph, "*The work under this Contract is classified "Miscellaneous Contract Work" and the "Tailored Goals" for*" to read as "*The work under this Contract is classified as "Construction Services" for the MBE, WBE, SBE utilization goals....*" "The associated goals are...." to read as "*The associated tailored goals are....*"
- **On page P-7 (bottom of the page)** – remove the entire heading and the paragraph underneath "*SPECIAL TRAINING PROVISIONS* ...*The Contractor 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 Provisions for Apprentices are stated in the AGREEMENT*"
- **On page A-3 (5th paragraph)** – replace the following sentences in the paragraph, "*The work under this Contract is classified as "General" for.....*" to read as "*The work under this Contract is classified as "Construction Services" for....*" "*The associated goals are....*" to read as "*The associated tailored goals are....*"
- **On page A-4 (4th paragraph)** – remove the entire paragraph "*The Director of Procurement and Materials Management has granted an exception to Section 11 (i). Contractor Goals (Section 10) of the Affirmative Action Ordinance, Revised Appendix D, attached. This exception will allow the bidder to utilize PCE suppliers for 100% goal attainment in their respective goals*".
- **On page A-4 & A-5 (last paragraph on page A-4; continued on top page of A-5)** – remove the following paragraph – "*The Contractor agrees to fulfill the Special Training Program 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 Provisions for Apprentices are 290 Minority and/or Female hours for the purpose of this contract”.

In addition:

- A Pre-Bid Conference **should** be conducted
- A Suppliers Exception **has not** been recommended
- The Affirmative Action Ordinance Revised Appendix D, dated June 4, 2015, **must** be included
- Appendix K **should not** be included
- Appendix C **must** be included
- Appendix V **must not** be included
- Exhibit C **must not** be included
- Assist Agencies List **must** be included

Also, please refer to the attached memo, dated 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.

If you have any questions, please contact Diversity Officer, Jason H. Bullock, at extension 14038.

RDB:JHB

Attachments

cc: LoCascio, Cornier, Morakalis, Wu, Bullock, file

INTEROFFICE MEMORANDUM

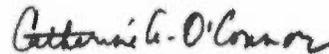
Metropolitan Water Reclamation District of Greater Chicago

DEPARTMENT: ENGINEERING

DATE: March 26, 2020

TO: Darlene A. LoCascio, Director of Procurement and Materials Management
John P Murray, Director of Maintenance and Operations
Susan T. Morakalis, General Counsel
Beverly K. Sanders, Director of Human Resources
Regina Berry, Diversity Administrator

FROM: Catherine A. O'Connor
Director of Engineering



SUBJECT: Contract 15-829-1S, Television Inspection and Recording of Sewers and
Manholes at Various Locations
98% Review of Contract Documents

Attached for your review and comments are copies of Specifications for the subject contract. Your comments are specifically requested on items noted below:

<u>Department/Division</u>	<u>Items</u>
Law	Proposal, Agreement, and Insurance Requirements
Procurement and Materials Management	Invitation to Bid, Proposal and Agreement
M&O (Sewer Maintenance/Operations)	Detailed Specifications
Human Resources	Safety Requirements
General Administration/Diversity	Compliance with Appendix C and Appendix D

If additional information is required, please contact Brad Jelonek, Project Engineer, at extension 1-4025. Your comments are requested by April 30, 2020.

WSS:KMF:CS:FW:cw

Attachments: LoCascio (1), Murray(2), Morakalis (1), Sanders (1), Berry (1)

INTEROFFICE MEMORANDUM

METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO

DEPARTMENT: General Administration
Diversity Section

DATE: February 1, 2019

TO: Department Heads, Mmes. McElligott, Boyle

FROM: Regina D. Berry, Diversity Administrator



SUBJECT: 2015 Affirmative Action Ordinance Revised Appendix D and 2019 Appendix V
Memo – Bid Responsiveness

On June, 4, 2015, the **Affirmative Action Ordinance, Revised Appendix D** was adopted by the Board of Commissioners. Accordingly, all contracts that contain Affirmative Action Goals must include the Revised Appendix D effective June 4, 2015. This change will apply to all contracts advertised after June 4, 2015.

Subsequently, on November 15, 2018, the **Appendix V** was adopted by the Board of Commissioners. Accordingly, all contracts that contain Veteran Participation Goals must include the Appendix V effective January 1, 2019. This change will apply to all contracts advertised after January 1, 2019.

The following language must be included in the Invitation to Bid, the Proposal, and the Agreement. The Ordinance sets the parameters of the process affecting the MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent and the Appendix V sets the parameters of the newly implemented process affecting the VBE Commitment Form.

1. Each Bidder must submit with their proposals a signed and completed **MBE, WBE, SBE Utilization Plan** which lists each business intended to be used as a MBE, WBE, SBE on pages UP-2, UP-3 and UP-4 and supplemental pages as necessary. **The Bidder must sign the Signature Section page on UP-5.** Failure to submit a signed MBE, WBE, SBE Utilization Plan will result in a bid being deemed non-responsive and the bid will be rejected. Also, if a Waiver is sought, the Bidder is required to sign pages UP-5 and UP-6, the Waiver Request Form; failure to do so will be viewed as non-responsive and the bid will be rejected.
2. Each Bidder must submit **with their bid package** an original or facsimile copy of **MBE, WBE, SBE Subcontractor's Letter of Intent, page UP-7** for each subcontractor listed on their MBE, WBE, SBE Utilization Plan. The submitted MBE, WBE, SBE Subcontractor's Letter of Intent must be completed and signed by the subcontractor and accompanied with a copy of the subcontractor's current 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.

3. If the Bidder exceeds the allowable *Supplier Utilization* amount which is stated in the bid documents, the bid will be viewed as non-responsive. Therefore, the Bidder may not exceed the use of a MBE, WBE, SBE supplier for more than 25% of each respective MBE, WBE, SBE goal, unless the Administrator has authorized a Supplier's Exception notated on page AU-1.

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.

Should you have any questions please contact Regina Berry on ext. 14035.

RDB

APPENDIX V

VETERAN-OWNED BUSINESS ENTERPRISE CONTRACTING POLICY REQUIREMENTS

Section 1. Purpose

The purpose of this policy is to increase contracting opportunities with the Metropolitan Water Reclamation District of Greater Chicago for veteran-owned and operated small business enterprises.

Section 2. Definitions

- (a) "Eligible Veteran" means an individual who has been a member of the armed forces of the United States and served for a total of at least six months, or for the duration of hostilities regardless of the length of engagement; and
- a. was discharged on the basis of hardship; or
 - b. was released from active duty because of a service connected disability; or
 - c. was discharged under honorable conditions

Former members of the military with the following type of discharges are excluded from the District's Veteran-owned Business Enterprise Contracting Policy:

- a. dishonorably discharged; or
 - b. bad conduct discharge; or
 - c. general discharge under other-than-honorable conditions
- (b) "Good Faith Efforts" means those honest, fair and commercially reasonable actions undertaken by a construction contractor or professional services consultant to meet the VBE goal, which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Policy's goals.
- (c) "Participating Business" means a business located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State of Illinois or Lake County in the State of Indiana which has the majority of its regular full-time work force located in this region and/or a business which has been placed on the District's vendor list and/or has bid or sought District contract(s) for construction or professional services work.
- (d) "Small Business Enterprise" (SBE) in this Appendix has the meaning consistent with Appendix D for construction contracts or Appendix A for professional services contracts, as applicable.
- (e) "Veteran-owned Business Enterprise" (VBE) means both a small business enterprise and participating business, including a sole proprietorship, partnership, corporation, limited liability company, joint venture or any other business or professional entity which is at least fifty-one (51%) directly and unconditionally owned by one or more eligible veterans, or, in the case of a publicly held corporation, at least fifty-one (51%) of the stock which is owned by one or more eligible veterans, and whose control and management of the business including long-term goals for the company as well as day-to-day operations are controlled by one or more eligible veterans.

Section 3. Certification Eligibility

- (a) Only a firm owned by an Eligible Veteran(s) may be certified as a VBE.
 - (i) Ownership by one or more Eligible Veterans must be direct ownership.
 - (ii) A business or professional enterprise owned principally by another business entity that is in turn owned and controlled by one or more veterans would not qualify.
- (b) Only a firm that is managed and controlled by an Eligible Veteran(s) may be certified as a VBE.
- (c) For the purposes of this policy, there is no distinction between service-disabled (SDVBE) and non-service disabled veteran-owned businesses.

Section 4. Contract Goals

- (a) The standard participation goal for VBEs is three-percent (3%), unless otherwise specified in the Invitation to Bid. The participation goals are applicable to District contracts where the estimated total expenditure is in excess of \$100,000.00, or in a lesser amount as authorized by the Board of Commissioners.
- (b) VBE goals are separate from the Minority Business Enterprise (MBE), Women's Business Enterprise (WBE), and Small Business Enterprise (SBE) goals.
- (c) VBE contract goals will only be applied to a contract when there are at least two (2) qualified VBE contractors or professional services consultants registered on the District's vendor list to perform the anticipated subcontracting functions of the contract.
- (d) VBE goals are separate from Minority-owned Business Enterprise (MBE), Women-owned Business Enterprise (WBE) and Small Business Enterprise (SBE) goals. An Eligible Veteran who is also an MBE, WBE, or SBE may be dual-utilized to fulfill both goals. However, the three-percent (3%) VBE goal must be accomplished in addition to the M/W/SBE goals set forth in a contract.

Section 5. Good Faith Efforts

The Contractor must undertake "**Good Faith Efforts**" to ensure that qualified VBE firms are utilized in the performance of the contract and provide maximum opportunities for VBE participation, notwithstanding the fact that the Contractor may have the capability to complete the project without the use of subcontractors.

Section 6. VBE Commitment Form Submission

Complete the **VBE COMMITMENT FORM**.

- (a) Provide the names, contact information and qualifications for the prospective VBE firms that you plan to use. Delineate the various anticipated categories and/or disciplines of work/services to be provided by VBE firms.

- (b) Summarize Contractor's or Consultant's commitment to comply with the VBE goals regarding this project.
- (c) Where a Contractor or Consultant is a business owned and controlled by a VBE or where the Contractor or Consultant utilizes a VBE in a joint venture or as a subcontractor, a Contractor or Consultant may count toward the achievement of its VBE goals the utilization of any VBE that also satisfies the definition of a SBE, as set forth in the Revised Appendix D or Appendix A, as applicable to construction or professional services contracts.

Section 7. Effective Date

This policy is effective on January 1, 2019, and applies only to qualifying contracts advertised after the effective date.

RDB/MTC/PJS/ps

Adopted by Order of the Board November 15, 2018

VBE COMMITMENT FORM

1. Name of VBE: _____
Identify MBE, WBE, SBE Status: _____ Address: _____
City, State, Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Work: _____

2. Name of VBE: _____
Identify MBE, WBE, SBE Status: _____ Address: _____
City, State Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Work: _____

3. Name of VBE: _____
Identify MBE, WBE, SBE Status: _____ Address: _____
City, State Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Work: _____

4. Name of VBE: _____
Identify MBE, WBE, SBE Status: _____ Address: _____
City, State, Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Work: _____

Attach a copy of qualifications for each VBE firm

ASSIST AGENCIES LIST

Metropolitan Water Reclamation District of Greater Chicago

African American Contractors Association (AACA)

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Asian American Small Business Association

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Association of Asian Construction Enterprises

Perry Nakachi
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Black Contractors United (BCU)

Edward McKinnie, President
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Cermak Road Chamber of Commerce

Jorge Linares, Founder
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773-823-7390

Chatham Business Association (CBA)

Melinda Kelly, Executive Director
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Chicago Minority Supplier

Development Council (CMSDC)
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Chicago Urban League (CUL)

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Coalition for United Community Action

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Cosmopolitan Chamber of Commerce (CCC)

Rhonda McGowan, Executive Director
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rmcgowan@cosmochamber.org

Elite SDVOB Network, Illinois Chapter

John Scifers, Board Member
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Deerfield, IL 60015
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Federation of Women Contractors (FWC)

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Hispanic American Construction Industry (HACIA)

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Illinois Black Chamber of Commerce

Kenyatta S. Fisher, Development Director
411 Hamilton Blvd., Suite 1404
Peoria, IL 61602-1144
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Illinois Department of Commerce
And Economic Opportunity
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100 W. Randolph St. – Suite 3-400
Chicago, IL 60601
312-814-7179
Contact: Darryl Thomas
Darryl.thomas@illinois.gov

Illinois Diversity Council
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Houston, Texas 77057
713-592-6998
Dennis.Kennedy@NationalDiversityCouncil.org

Illinois Hispanic Chamber of Commerce
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Industrial Council of Near West Chicago
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Robert Climack, Property Manager
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hannah@industrialcouncil.com

Latin American Chamber of Commerce
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jgomez@laccusa.com

Little Village 26th Street Area Chamber
of Commerce
Blanca Soto, Executive Director
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Blanca@littlevillagechamber.org

National Association of Women Business
Owners of Greater Chicago (NAWBO)
Melissa Lagowski, Executive Director
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National Organization of Minority Engineers
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msutton@infrastructure-eng.com

Native American Contractors Association (NACA)
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membership@nativecontractors.org

Rainbow PUSH Coalition:
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John Mitchell, Chief of Staff
930 E. 50th Street
Chicago, IL 60615
773-373-3366 Fax: 773-373-3571
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(U.S.) Small Business Administration (SBA)
Rosalyn Putham, Supervisory Business Opportunity
Specialist
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United States Minority Contractors Association
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larry.bullock@usminoritycontractors.org

Women's Business Development Center
Emilia DiMenco, President
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Women Construction Owners & Executives (WCOE)
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