

**INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

DEPARTMENT: General Administration
Diversity Section

DATE: July 29, 2021

TO: John Murray, Director of Maintenance & Operations

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: **Contract 20-684-12, Painting of Final Tanks at Various Locations (Group B)**

LOW BIDDER: Capital Industrial Coatings, LLC

The Bidder, Capital Industrial Coatings, LLC, has submitted company information and "MBE/WBE/SBE/VBE Business Verification Forms" for the firms identified on the Affirmative Action Utilization Plan of the subject contract.

The MBE, WBE AND SBE Utilization Goals for the subject contract are 20% MBE, 10% WBE, 10% SBE. The Affirmative Action goal category is Construction Services. According to the bidder's Utilization Plan, the bidder has committed to the following goals:

<u>MBE</u>	<u>WBE</u>	<u>SBE</u>
20%	2.5%	*

Capital Industrial Coatings, LLC partial waiver has been approved. Therefore, Capital Industrial Coatings, LLC. is in apparent compliance with the requirements of Affirmative Action Ordinance Revised Appendix D.

RDB:CEC

Attachment

c: LoCascio, Cornier, Morakalis, Carthen, File

*Bidder offers MBE credits to satisfy the SBE requirements

INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration
Diversity Section

DATE: July 29, 2021

TO: Darlene A. LoCascio, Director of Procurement and Materials Management

FROM: Regina D. Berry, Diversity Administrator 

SUBJECT: Review of Utilization Plan and Exhibit C of the Bidder (Capital Industrial Coatings, LLC) Contract 20-684-12 (Group B) for Compliance with Affirmative Action Ordinance Revised Appendix D.

The Diversity Section has determined that a partial Waiver Request should be granted to Capital Industrial Coatings, LLC, as a result of the Good Faith Effort shown in its Utilization Plan.

A. Utilization Plan

The Affirmative Action utilization goals applicable to the contract are 20% MBE, 10% WBE and 10% SBE. The Affirmative Action Ordinance Revised Appendix D, dated May 21, 2020, is in force on this contract.

Capital Industrial Coatings, LLC, submitted a bid, which was received and opened on April 27, 2021, for \$632,600.00. Their original Utilization Plan committed to the full contract goals. A revised Utilization Plan had to be submitted because the original WBE (Smith Painting Services) could not be certified. The revised Utilization Plan included two WBE's to meet the WBE contract goal. However, one WBE (Pro Nova Contracting) declined to furnish the verification documents. As a result, Capital Industrial Coatings filed a request for a partial waiver for the WBE goal with their revised Utilization Plan that was submitted on July 1, 2021. The latest revised Utilization Plan submitted with the bid by Capital Industrial Coatings, LLC, reflects the following MBE, WBE, and SBE participation:

MBE Participation	20%
WBE Participation	2.5%
SBE Participation	20%

In accordance with Section 12. Utilization Submission (c)

*...Each Bidder's Utilization Plan shall commit to MBE, WBE or SBE participation **equal to or greater than** each of the Contract Goals set forth in the solicitation, unless the Bidder requests a partial or total waiver of the requirements that it file a Utilization Plan or achieve a particular goal by*

submitting with the bid a signed Waiver Request in the form specified in the solicitation."

B. Review of Good Faith Efforts

We have reviewed the request made by Capital Industrial Coatings, LLC, for a waiver and its good faith efforts to fully utilize WBE's. Included, as a part of this review is an examination of whether Capital Industrial Coatings, LLC, has taken the actions specified in **"Section 12 Utilization Plan Submission (e)."**

Where a Bidder had failed to meet the Contract Goals(s), it must file a Waiver Request documenting its Good Faith Efforts to meet the Goals(s) as provided in the format described in the solicitation, the Administrator shall require the contractor to file a Contractor Information Form and provided additional documentation of its good faith efforts in attempting to fulfill such goals.

Most important to Capital Industrial Coatings, LLC, request is (i):

*Such Good Faith Efforts, as defined herein, shall include, **but are not limited to** the following....*

(1.) Attend any pre-bid conference conducted by the District to acquaint contractors with MBEs, WBEs and SBEs available to provide relevant goods and services and to inform MBEs, WBEs and SBEs of subcontract opportunities on the contract.

No pre-bid conference was held.

(2.) Review lists of available MBEs, WBEs and SBEs maintained by the District and other state and local governments and agencies prior to the bid opening to identify qualified MBEs, WBEs and SBEs for solicitation for bids.

The bidder complied with this provision.

(3.) Advertise, not less than 15 calendar days before the bid opening date, in one or more daily newspapers and/or trade publications, for proposals or bids by MBEs, WBEs and SBEs for subcontracts or the supply of goods and services on the contract.

This provision could not be complied with. Waiver requested after bid opening date.

(4.) Make timely written solicitations of available MBEs, WBEs and SBEs identified on the District's vendor list that provide relevant services for subcontracts or bids for subcontracts or the supply of goods and services.

The bidder complied with this provision.

(5.) Provide MBEs, WBEs and SBEs with convenient and timely opportunities to review and obtain relevant plans, specifications or terms and conditions of the contract to enable such MBEs, WBEs and SBEs to prepare an informed response to a contractor solicitation.

The bidder complied with this provision.

(6.) Divide total contract requirements into small tasks or quantities and adjust performance bond and insurance requirements or otherwise assist MBEs, WBEs and SBEs in obtaining the required bonding, insurance or financing, where economically feasible, to encourage participation of MBEs, WBEs and SBEs.

The bidder complied with this provision.

(7.) Follow up initial solicitation of MBEs, WBEs and SBEs by contacting them to determine if the enterprises are interested in making bids or proposals.

The bidder complied with this provision.

(8.) Negotiate in good faith with MBEs, WBEs and SBEs prior to the bid opening and do not reject as unsatisfactory any bids or proposals submitted by M/WBEs without justifiable reason, including the lack of bonding capacity or the ability to obtain insurance requirements such as Completed Builders Risk (All Risk) Insurance, Comprehensive General Liability Insurance, Contractor Contractual Liability Insurance and Public Liability Insurance.

The bidder complied with this provision.

(9.) Establish delivery schedules, where the requirements of the work permit, which will encourage participation by MBEs, WBEs and SBEs.

The bidder complied with this provision.

(10.) Establish Joint Ventures with MBEs, WBEs and SBEs.

This provision could not be complied with. Requested Utilization Plan revision only allowed for the WBE to be replaced.

(11.) Use the services and assistance of the District, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce and appropriate community and minority and women's business organizations.

The bidder complied this provision.

Section 12 Utilization Plan Submission (e) (iv) states:

The Director, after consultation with Administrator, shall determine whether to grant the Waiver request based on the Bidder's Good Faith Effort at the time of bid.

WAIVER REQUEST:

The following conclusion may be drawn on the basis of the review of good faith efforts:

The effort necessary to fully extend these opportunities with the all-important follow-up was made to the available WBE suppliers and subcontractors. The effort by the bidder, in this case, was adequate. Furthermore, Capital Industrial Coatings, LLC's Utilization Plan has partial commitments to WBEs.

Therefore, Capital Industrial Coatings, LLC's bid is in apparent compliance with the requirements of the Affirmative Action Ordinance Revised Appendix D.

If you have any questions, please contact Chase Carthen, Diversity Officer at extension 14043.

RDB: CEC
Attachments

c. Cornier, Morakalis, Carthen, file

**METROPOLITAN WATER RECLAMATION DISTRICT OF
GREATER CHICAGO**

MBE, WBE, SBE UTILIZATION PLAN

For Local and Small business entities - Definitions for terms used below can be found in Appendix D: MBE - Section 5(s); WBE - Section 5(cc); SBE - Section 5(w).

NOTE: The Bidder shall submit with the Bid, originals or facsimile copies of all MBE, WBE, SBE Subcontractor's Letter of Intent furnished to all MBEs, WBEs, and SBEs. IF A BIDDER FAILS TO INCLUDE signed copies of the MBE, WBE, SBE Utilization Plan and all signed MBE, WBE, SBE Subcontractor's Letter of Intent with its bid, said bid will be deemed nonresponsive and rejected.

All Bidders must sign the signature page UP-5 of the Utilization Plan, even if a waiver is requested.

Name of Bidder: Capital Industrial Coatings, LLC

Contract No.: 20-684-12 GROUP B

Affirmative Action Contact & Phone No.: Andrea Archambeault 312-508-5085

E-Mail Address: a.archambeault@capital-ic.com

Total Bid: \$632,600

MBE, WBE, SBE UTILIZATION PLAN AND ALL SIGNED MBE, WBE, SBE SUBCONTRACTOR'S LETTER OF INTENT MUST BE COMPLETED, SIGNED AND ACCOMPANY YOUR BID!!!

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the MBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

MBE UTILIZATION

Name of MBE and contact person: Mack Construction Services, LLC Nancy Carreon
Business Phone Number: 773-525-3411 Email Address: nscarreon@comcast.net
Address: 3628 N. Hamilton Avenue Chicago, IL 60618
Description of Work, Services or Supplies to be provided: Tank Sandblasting/Painting

CONTRACT ITEM NO.: 20-684-12 GROUP B

Total Dollar Amount Participation: \$126,600

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☒
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

MBE UTILIZATION

Name of MBE and contact person: _____
Business Phone Number: _____ Email Address: _____
Address: _____
Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____

Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

MBE UTILIZATION

Name of MBE and contact person: _____
Business Phone Number: _____ Email Address: _____
Address: _____
Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____

Total Dollar Amount Participation: _____

If the MBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐
YES

☐
NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

(Attach additional sheets as needed)

The bidder should indicate on the Utilization Plan explicitly if the dollar amounts for the WBE participation will also be counted toward the achievement of its SBE participation. See Affirmative Action Ordinance, Revised Appendix D, Section 11, Counting MBE, WBE and SBE Participation towards Contract Goals. (a) (b) (c)

WBE UTILIZATION

Name of WBE and contact person: RAE Products and Chemical Corp. Samantha Morek
Business Phone Number: 708-396-1984 Email Address: samantha@raeproducts.net
Address: 11638 South Mayfield Ave Alsip, IL 60803
Description of Work, Services or Supplies to be provided: Paint, Abrasive, Scraper Blades, Misc Supplies

CONTRACT ITEM NO.: 20-684-12 GROUP B

Total Dollar Amount Participation: \$16,000

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐ YES

☒ NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

WBE UTILIZATION

Name of WBE and contact person: _____
Business Phone Number: _____ Email Address: _____
Address: _____
Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____

Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐ YES

☐ NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

WBE UTILIZATION

Name of WBE and contact person: _____
Business Phone Number: _____ Email Address: _____
Address: _____
Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____

Total Dollar Amount Participation: _____

If the WBE participation will be counted towards the achievement of the SBE goal please indicate here:

☐ YES

☐ NO

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!

(Attach additional sheets as needed)

SBE UTILIZATION

Name of SBE and contact person: Mack Construction Services, LLC Nancy Carreon
Business Phone Number: 773-525-3411 Email Address: nscarreon@comcast.net
Address: 3628 N. Hamilton Avenue Chicago, IL 60618
Description of Work, Services or Supplies to be provided: Tank Sandblasting/Painting

CONTRACT ITEM NO.: 20-684-12 GROUP B
Total Dollar Amount Participation: \$126,600

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

SBE UTILIZATION

Name of SBE and contact person: _____
Business Phone Number: _____ Email Address: _____
Address: _____
Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
Total Dollar Amount Participation: _____

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

SBE UTILIZATION

Name of SBE and contact person: _____
Business Phone Number: _____ Email Address: _____
Address: _____
Description of Work, Services or Supplies to be provided: _____

CONTRACT ITEM NO.: _____
Total Dollar Amount Participation: _____

(Attach additional sheets as needed)

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid!!!

SIGNATURE SECTION

On Behalf of Capital Industrial Coatings, LLC I/We hereby acknowledge that
(name of company)

I/WE have read Revised Appendix D, will comply with the provisions of Revised Appendix D, and intend to use the MBEs, WBEs, and SBEs listed above in the performance of this contract and/or have completed the Waiver Request Form. To the best of my knowledge, information and belief, the facts and representations contained in this Exhibit are true, and no material facts have been omitted.

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct, and that I am authorized, on behalf of the bidder, to make this affidavit.

7-1-2021

Date

Paul Migawa
Signature of Authorized Officer

ATTEST:

[Signature]
Secretary

Paul Migawa President
Print name and title

312-508-5085
Phone number

- 1) **The Bidder is required to sign and execute this page, EVEN IF A WAIVER IS BEING REQUESTED.**
- 2) **Failure to do so will result in a nonresponsive bid and rejection of the bid.**
- 3) **If a waiver is requested, the bidder must also complete the following "WAIVER REQUEST FORM."**

The MBE, WBE, SBE Utilization Plan and the MBE, WBE, SBE Subcontractor's Letter of Intent MUST Accompany the Bid ! !