

INTEROFFICE MEMORANDUM
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

DEPARTMENT: General Administration
Diversity Section

DATE: September 17, 2024

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

FROM: Richard L. Martinez, Jr., Acting Diversity Administrator



SUBJECT: Review of Utilization Plan of the Bidder on Contract 24-635-51 Group B, Reservoir Mowing at Various Locations in Cook County, Illinois

The Diversity Section has reviewed the request for a full waiver of the of the WBE goal submitted in conjunction with the Utilization Plan of the Bidder, Lizette Medina & Co. and has determined that this request should be approved.

A. Utilization Plan

The Affirmative Action Ordinance Revised Appendix D, dated December 31, 2022, is in force for this contract. The Contract Goals applicable are 20% MBE, 10% WBE and 3% VBE.

Lizette Medina & Co. submitted a bid which was received and opened on August 13, 2024, in the amount of \$241,719.00 for Group B which included a request of a full waiver of the WBE goal. The Utilization Plan submitted with the bid by Lizette Medina & Co. reflects the following participation:

MBE Participation	20%
WBE Participation	0%
VBE Participation	0%

In accordance with Section 15. Utilization Plan Submission (b):

A Bidder must either meet the Contract Goals or establish its Good Faith Efforts to do so as described in this Revised Appendix D and the bid solicitation.

B. Review of Good Faith Efforts

We have reviewed the request made by Lizette Medina & Co. for a full waiver and its Good Faith Efforts to utilize MBEs and/or WBEs. This review consisted of an examination of whether Lizette Medina & Co. has taken the actions specified in Section 15. Utilization Plan Submission (e).

Section 15. Utilization Plan Submission (e):

Where a Bidder has failed to meet the Contract Goals, it must file a Waiver Request documenting its Good Faith Efforts to meet the Contract Goals as provided in the format described in the bid solicitation. Following submittal of a Waiver Request, the Administrator will require the Prime contractor to file a Contractor Information Form and provide additional documentation of its Good Faith Efforts in attempting to fulfill such goals.

Our analysis is in specific reference to **Section 15. Utilization Plan Submission (e)(i):**

Good Faith Efforts will include, but are not limited to:

(1.) Attended the mandatory pre-bid conference conducted by the District to acquaint Prime Contractors with MBEs and WBEs available to provide relevant goods and services and to inform MBEs and WBEs of subcontracting opportunities on the contract.

The Bidder stated “No” to this provision. However, pre-bid conferences are no longer mandatory.

(2.) Reviewed the Vendor List of available MBEs and WBEs maintained by the District, as well as other state and local governments and agencies, prior to the bid opening to identify qualified MBEs and WBEs for solicitation for bids.

The Bidder stated Yes and complied with this provision.

(3.) Solicited, not less than fifteen (15) calendar days before the bid opening date, through reasonable and available means (e.g., written notices, advertisements on social media) MBEs and WBEs that can provide services in the anticipated scopes of subcontracting on the contract.

The Bidder stated Yes and complied with this provision

(4.) Provided MBEs and WBEs with convenient and timely opportunities to review and obtain relevant plans, specifications, or terms and conditions of the contract to enable such MBEs and WBEs to prepare an informed response to the bidder’s solicitation and following up initial solicitations to answer questions and encourage MBEs and WBEs to submit bids.

The Bidder stated Yes and admittedly received no responses from MBEs or WBEs.

(5.) Negotiated in good faith with interested MBEs and WBEs that have submitted bids and thoroughly investigated their capabilities. Evidence of such negotiations includes: the names, electronic mail addresses, and telephone numbers of MBEs and WBEs with whom the Bidder negotiated; a description of the information provided to MBEs and WBEs regarding the work selected for subcontracting; and explanations as to why agreements could not be reached with MBEs and/or WBEs to perform work. The bidder may not reject MBEs and WBEs as unqualified without sound reasons. That there may be some additional costs involved in finding and using

MBEs and WBEs is not in itself a sufficient reason for a Bidder's failure to meet the Contract Goals, as long as such costs are reasonable.

The Bidder stated Yes and admittedly received no responses from MBEs or WBEs.

(6.) Selected those portions of the contract consistent with the available MBEs and WBEs, including where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation.

The Bidder stated Yes and complied with this provision.

(7.) Made efforts to assist interested MBEs and WBEs in obtaining financing or insurance as required by the District for performance on the contract.

The Bidder stated Yes and admittedly received no responses from MBEs or WBEs.

(8.) Used the services and assistance of the District; MBE and WBE assistance groups; local, state, and federal minority or woman business assistance offices; and other organizations to provide assistance in the recruitment and placement of MBEs and WBEs. Attached detailed log of all communications.

The Bidder stated Yes and complied with this provision.

Section 15. Utilization Plan Submission (e)(iv) states:

Thereafter, the Administrator will determine whether to grant the Waiver Request based on the Bidder's Good Faith Efforts at the time of the bid submission.

WAIVER REQUEST:

The following conclusion may be drawn based on the review of the Bidder's Good Faith Efforts:

In order to make a substantial showing of Good Faith Efforts and provide a level playing field for all the Bidders, the bidding opportunities must be vigorously extended to all available MBE and WBE contractors and suppliers, as mandated by the Affirmative Action Ordinance Revised Appendix D, Section 15(e). The outreach effort by the Bidder, in this case, was adequate.

Therefore, Lizette Medina & Co. has substantiated its Good Faith Efforts to comply with the contract goals as stated in the bid documents for Contract 24-635-51 Group B, Reservoir Mowing at Various Locations in Cook County, Illinois and is therefore in apparent compliance with the requirements of the Affirmative Action Ordinance Revised Appendix D and should be considered responsive and the waiver should be granted.

RLM:DAF

cc: L. Cornier, S. Morakalis, N. Lopez, M. Valdez, P. Kunath, file