

## PUBLIC ACT 96-0706

### NOTICE TO ALL CONTRACTORS, ARCHITECTS, ENGINEERS, SUBCONTRACTORS AND SUPPLIERS

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 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 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.

**Bidding:**

Bidders will have to fill out the FEP Bidding Form (00 41 05 form) in total completeness to show all MBE/FBE subcontractors/suppliers to be used to meet goals. The dollar value of the goals to be met, at the time of bidding, will be based on the required percentage of the Base Bid. There will be no remedy to the form allowed after bidding. If the goals are not met, then the Bidders will have to provide documentation to show “Good Faith Effort.” The documentation has to be included with the bid envelope. Documentation must follow the guidelines set forth in the Standard Documents for Construction, Section 00 43 39.8. Failure to provide the documentation at the time of the bid opening will be a material deficiency and the bid will be rejected. There will be no remedy allowed to provide the documentation after bidding.

**Post-Bid:**

The As-Read Low Bidder has 7 calendar days after the bid opening to provide the 665 forms to FEP. Failure to do so will result in rejection of the bid. CDB **will not** notify the low bidder that they are indeed the As-Read Low bidder and have 7 days to submit the 665 forms. It will be the Bidders’ responsibility to monitor the bid results and act accordingly.

FEP will evaluate the 00 41 05 form, any “Good Faith Effort” documentation, and 665 forms during the Post-Bid phase.

**Post Award:**

The Awarded Contractor will have 10 calendar days from the Notice of Award (NOA) to submit the subcontractor and supplier agreements to FEP for review and approval. The Awarded Contractor will have to supply any 665 forms necessary to meet increased dollar value of goals as a result of any alternates that are awarded as increases to the Base Bid.