ADDENDUM NO. 1

TO PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR:
2019 DPTS CONCRETE BUS SHELTER PAD IMPROVEMENT PROJECT
CITY PROJECT 2019-17
DATED July, 2019

AD-1-1 NOTICE

1.01 This Addendum No. 1 dated July 26, 2019, to the Plans, Specifications and Contract Documents for the above captioned project, supersedes all contrary and conflicting information of the above mentioned bid proposal documents, which are hereby supplemented in certain particulars as follows:

AD-1-2 DESIGNS, DETAILS, AND STANDARD DRAWINGS

2.01 Add the following note to drawing sheets 1 through 17: “NOTE: Sidewalk has to be at least 4 feet wide. Any sidewalk measuring less than 4 feet will be removed and replaced by contractor at their expense.”

AD-1-3 PRE-BID MEETING

3.01 Add the attached pre-bid meeting sign-in sheet and meeting minutes from the Pre-Bid on July 25, 2019.

Please make the proper acknowledgment of addenda #1 on your bidding documents

END OF ADDENDUM NO. 1

City Engineer:

Date: July 26, 2019
Pre-bid Meeting Agenda
for
DPTS Concrete Bus Shelter Pad Improvement Project
City Project 2019-17

Public Works Conference Room
10:30 a.m. Thursday, July 25, 2019

I. Introductions

II. Project Review and Questions
   Reviewed the project and 12 locations for new shelter pads

III. Minority Participation Goals Review of City Code Chapter 28, Article 10 (Handout and Discussion).

   A. Policy
   The City requires that general contractors show good faith efforts to meet the City’s goals of
   10% of the project amount be used to hire MBE subcontractors when subcontracting
   opportunities exist, and 18% total hours are to be worked by minority employees.

   B. Definitions
   The Prospective bidders were directed to the attached document that provided an excerpt of the
   State’s definition of a minority.

   C. Project Goals and Good Faith Efforts

      1. Subcontracting Goal: 10% of total dollar amount should be performed by
         MBE if subcontracting opportunities are available.

         a. Subcontracting is not required but if a subcontractor is used a Good
            Faith Effort must be made to fill the stated goal.

         b. The Contractor shall put forward good faith efforts to “actively and
            aggressively” seek the participation of MBE or minority workers.
            Discuss options to assist in “actively and aggressively” seeking this
            participation.

         c. What is the City’s expectation of a Good Faith Effort?

         The City regards a good faith effort, at a minimum, will include direct contacts with MBE
         subcontractors for each subcontracting opportunity. The City expects to see 2-3 contacts for
         each opportunity until the goal is met. The bidder is to provide all work, all contacts, the method
         of contact (email, phone, personal, etc.), and the results of each contact.

         The bidders were reminded that the City can have no contact regarding the bid submittal after it
         has been provided, so their only opportunity is to provide evidence of their good faith efforts.
         For the benefit of the review that must be conducted by City staff, it is helpful in the contractors
         group the contacts according to the subcontracting opportunity.
2. Minority Workers Goal: 18% total hours worked should be performed by minority workers.
   
a. The City tracks this goal through ePrismSoft and prevailing wage reports when required.

IV. Federal Transit Special Conditions
   *Attention was pointed to the Federal Special conditions.*

V. Other Items
   *Questions:*
   If we are not planning on using a subcontractor, do we still need to advertise for MBE? Answer: The City does not require subcontracting, but if a subcontractor is used a Good Faith Effort shall be shown.
   For notifying citizens of the construction at each bus stop, how far in advance should the notification be? Answer: 7 days
   Who will need to oversee that notifications are sent out? Answer: Please keep the Resident Engineer informed on when you are planning construction for each location.
CITY CODE
CHAPTER 28, ARTICLE 10
MINORITY PARTICIPATION GOALS FOR PUBLIC WORKS CONTRACTS

The “minority person” definition contained in the Illinois Business Enterprise for
Minorities, Females and Persons with Disabilities Act, 30 ILCS 575/2 is contained at the
back of this handout.

SECTION 10-1. POLICY:

The City of Decatur encourages a diverse workforce for all public projects. Toward that end, the
City establishes goals for participation by Minority Business Enterprises (MBE) and minority
workers for public works contracts. The objectives of the minority participation goals include:
A. Ensuring non-discrimination in the award and administration of City public works
contracts;
B. Encouraging a level playing field on which MBE and minority workers can compete
fairly for City public works contracts;
C. Helping to remove barriers to the participation of MBE and minority workers in City
public works contracts;
D. Promoting the use of MBE and minority workers in City public works projects;
E. Ensuring the minority participation goals are narrowly tailored in accordance with
applicable law;
F. Providing appropriate flexibility to contractors in establishing and providing
opportunities for MBE and minority workers;

SECTION 10-2. DEFINITIONS:

A. MINORITY: For purposes of this Article, the City hereby adopts and incorporates by
reference “minority person” as defined in the Illinois Business Enterprise for Minorities,
Females and Persons with Disabilities Act, 30 ILCS 575/2.
B. MINORITY BUSINESS ENTERPRISE (MBE): A business that is owned and
controlled by minorities. There must be not less than 51 percent minority ownership of
the business, and the minority ownership must control the management and daily
operations of the business.

SECTION 10-3. MINORITY PARTICIPATION GOALS IN PUBLIC PROJECTS.

A. Contractors for City projects shall make a good faith effort to comply with the following
minimum goals:
(1) Ten (10) percent of the total dollar amount of the contract should be performed by
Minority Business Enterprises if subcontracting opportunities are available; and,
(2) Eighteen (18) percent of the total hours worked should be performed by minority
workers.
B. Subcontracting is not required for a City project. If a subcontractor is used, the contractor
shall make a good faith effort to meet the City’s minority participation goals.
C. A contractor **shall provide evidence** of meeting the City’s minority participation goals as directed and required by the Public Works Director or provide evidence that it made a good-faith effort to meet the goals.

D. A good faith effort means the contractor took reasonable and necessary steps to achieve the minority participation goals. Good faith means the contractor actively and aggressively sought participation by MBE or minority workers. The City shall consider the quality, quantity and intensity of efforts made by a contractor.

E. Evidence of a good-faith effort includes, but is not limited to, as appropriate:
   (i) Soliciting through all reasonable and available means the interest of MBE and minority workers;
   (ii) Outreach and recruitment efforts of MBE and minority workers;
   (iii) Packaging requirements, when feasible, into tasks or quantities that permit maximum participation from MBE and minority workers;
   (iv) Providing interested MBE and firms that employ minority workers with adequate information about the bidding process, adequate time to respond and assistance in responding to a solicitation;
   (v) Negotiating in good faith with MBE and firms that employ minority workers;
   (vi) Assisting interested MBE and firms that employ minority workers in obtaining bonding, lines of credit or insurance;
   (vii) Assisting interested MBE and firms that employ minority workers in obtaining necessary equipment, supplies or materials;
   (viii) Seeking services from available minority community organizations; minority contractors’ groups, minority business assistance offices and other organizations, as appropriate, to provide assistance in recruiting MBE and minority workers;
   (ix) If an MBE or a firm that employs minority workers is rejected, providing **sound reasons for rejection** based on a thorough investigation of the firm;
   (x) Providing payroll records or other evidence showing the percentage of minority workers employed on the project or the percentage of project hours completed by minority workers; [This is provide through Prevailing Wage documentation]
   (xi) All other good faith efforts or evidence of due diligence to meet the City’s minority participation goals.

F. The minority participation goals shall be reviewed annually by the City Manager or his designee. Any changes of the goals shall require a majority vote by Decatur City Council.

**SECTION 10-4. PROGRAM ADMINISTRATION:**

A. The Public Works Director, or his designee, shall:
   (i) Administer and enforce the provisions of this Article;
   (ii) Monitor, track and report on contractors over the contract duration to ensure compliance with this Article.

**SECTION 10-5. PENALTIES:**

A. If a contractor fails to meet the City’s minority participation goals and fails to provide evidence of a good faith effort to meet the goals, the Public Works Director or his designee may, as appropriate:
(i) Order immediate corrective action, as appropriate and practicable, to meet the minority participation goals or to show a good faith effort toward meeting the goals;
(ii) Assess a fine or penalty not to exceed $2,000 for each offense, and each day on which a violation occurs or continues shall be considered a separate offense;
(iii) Withhold the fine or penalty assessed from the unpaid portion of the contract;
(iv) Order that the contractor will not be considered a responsive responsible bidder for future City projects until the contractor provides evidence of making a good faith effort toward meeting the City’s minority participation goals.

SECTION 10-6. APPEALS:

The penalty assessed by the Public Works Director or his designee shall be appealable to the City’s Human Relations Commission.

SECTION 10-7. WAIVER:

A. If a contractor does not or cannot meet the City’s minority participation goals for contracts, it may seek in writing a waiver. The waiver request shall include, as appropriate:
   (i) Evidence of the contractor’s good faith efforts to secure participation by MBE and minority workers;
   (ii) Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation.

B. The Public Works Director or his designee may, at his or her discretion, waive the minority participation goals upon finding:
   (i) The project is essential for city operations;
   (ii) Emergency circumstances require a waiver;
   (iii) Evidence of a good faith effort by the contractor;
   (iv) Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation.
Illinois Business Enterprise for Minorities, Females and Persons with Disabilities Act,
30 ILCS 575/2

(30 ILCS 575/2)
(Section scheduled to be repealed on June 30, 2016)
Sec. 2. Definitions.
(A) For the purpose of this Act, the following terms shall have the following definitions:
   (1) "Minority person" shall mean a person who is a citizen or lawful permanent resident of the United States
       and who is any of the following:
       (a) American Indian or Alaska Native (a person having origins in any of the original peoples of North
           and South America, including Central America, and who maintains tribal affiliation or community attachment).
       (b) Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, or
           the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia,
           Pakistan, the Philippine Islands, Thailand, and Vietnam).
       (c) Black or African American (a person having origins in any of the black racial groups of Africa).
           Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American".
       (d) Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or
           other Spanish culture or origin, regardless of race).
       (e) Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples
           of Hawaii, Guam, Samoa, or other Pacific Islands).
## Pre-Bid Sign-In Sheet
### 2019 DPTS Concrete Bus Shelter Pad Improvement Project
#### City Project 2019-17

**July 25, 2019 @ 10:30 A.M., Public Works Conference Room**

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<td>2) Brian Blade</td>
<td>Christy-Foltz Inc</td>
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