2020 Miscellaneous Sanitary and Storm Sewer Improvement Project
City Project 2020-09
April 15, 2020

ADDENDUM NO. 1

TO PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR:
2020 MISCELLANEOUS SANITARY & STORM SEWER IMPROVEMENT PROJECT
CITY PROJECT 2020-09
DATED APRIL 2020

AD-1-1 NOTICE

1.01 This Addendum No. 1 dated April 9, 2020, 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 BID PROPOSAL

2.01 Insert the attached pre-bid meeting sign-in sheet and meeting minutes from the Pre-Bid Meeting on April 7, 2020

AD-1-3 INSTRUCTION TO BIDDERS

3.01 The Bid submittal time and place will remain the same at the City's Purchasing Division located on the first floor of the Civic Center on the south side of the building at the service door East of the main building entrance at #1 Gary K. Anderson Plaza, Decatur, Illinois, 62523. A doorbell is located at that entrance. The City Building (Civic Center) is closed to the public due to COVID 19, it is recommended the Bidder provide additional time to allow for delays when submitting the Bid. No Bids will be accepted after the required submittal time. Bids will still be publicly read in the front room of the Civic Center main entrance – Rm 100

Please make the proper acknowledgment of **addenda #1** on page **15** of your bidding documents.

END OF ADDENDUM NO. 1

City Engineer: _____ Date: April 15, 2020

Pre-Bid Sign-In Sheet

2020 Miscellaneous Sanitary & Storm Sewer Improvement Project
2020-09

April 7, 2020 10:00 a.m., Conference Call Only

Name ---------- Email Address	Representing	Phone Number ---------- Fax Number
1) Sarah Blaine	City of Decatur	217-424-2747
Email: sblaine@decaturil.gov		217-424-2799
2) Paul Caswell	City of Decatur	217-424-2747
Email: pcaswell@decaturil.gov		217-424-2799
3)Katie	Kinney Contractors	217-229-3322
Email: kinney@roadbuilder.net		
4)Matt Peters	Burdick Plumbing	217-429-2385
Email: jared@burdickplumbing.com		
5)Jeff Entler	Entler Excavating	217-428-1865
Email: entler@comcast.net		217-428-1895
6) Don Cisco	City of Decatur	217-424-2747
Email: dcisco@decaturil.gov		217-424-2799
7)Daniel Luka	Luka Company	217-519-1202
Email: dluka33@aol.com		
8)		
Email:		
9)		
Email:		
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Pre-bid Meeting Minutes
for

2020 MISC SANITARY AND STORM SEWER IMPROVEMENT PROJECT

CITY PROJECT 2020-09

Conference Call
10:00 a.m., Tuesday, April 6, 2020

I. Introduction
Sarah Blaine Introduced the project

II. Project Review

This work shall consist of making point repairs in the City's storm and sanitary sewer system at various locations around the City including the installation of new manholes as required. This project will perform a majority of the City's rapid response storm and sanitary sewer system repairs through June 1, 2020, along with any additional storm and sanitary sewer repair work identified by the City. The work also includes pavement removal and restoration along with traffic control, and other items of restoration.

A. Country Club Storm Sewer Special Project
Special project was discussed

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. Note that there are two goals that need to be addressed.*

B. Definitions
The Prospective bidders are directed to the attached handout that provides an excerpt of the State's definition of a minority.

C. Project Goals and Good Faith Efforts

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

2. 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.

It is expected that a demonstration of "active" and "aggressive" will include actual direct contact with or working with a minority subcontractor in a manner that leads them to provide actual quotes for the work to be subcontracted. This is benefited by the development of an ongoing relationship with minority subcontractors.

3. The City's expectation of what will be required to demonstrate a Good Faith Effort.

The City regards a good faith effort, at a minimum, to include direct contacts with 2-3 MBE subcontractors for ***each*** *subcontracting opportunity until the goal is met. The contacts must be with subcontractors that provide the type of work that is being subcontracted. Mass e-mail contacts alone are not considered a good faith effort. Documented follow up requests are required if no response is received. The bidder is to provide all work, all contacts, the method of contact (email, phone, personal, etc.), and the results of each contact. E****mail requests with no reply or other evidence of direct contact are not considered to be acceptable direct contacts.***

City staff can have no contact with bidders regarding their bid submittal after bids have been opened, so their only opportunity to demonstrate a good faith effort, is to provide all supportive evidence with the bid document. For the benefit of the review that must be conducted by City staff, it is helpful for the bidders to group their direct contacts according to the subcontracting opportunity.

Minority Workers Goal: 18% total hours worked should be performed by minority workers.

The City tracks this goal through ePrismSoft and prevailing wage reports when required.

IV. Other Items

Bidders should check Decatur Blueprint's website before submitting a bid to make sure there are no addenda's missing. Only contractors on Decatur Blueprint's plan holder list will get updates on addenda. You have to purchase the plans to get on their list. Simply downloading a set of plans from the website does not put you on the bidders list.

The Bid submittal time and place will remain the same at the City's Purchasing Division located on the first floor of the Civic Center, #1 Gary K. Anderson Plaza, Decatur, Illinois, 62523. The City Building (Civic Center) is under lockdown due to COVID 19, it is recommended the Bidder provide additional time to allow for delays when submitting the Bid. No bids will be accepted after the required submittal time. Bids will still be publicly read in the front room of the Civic Center – Rm 100

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. <u>PROGRAM ADMINISTRATION:</u>

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. <u>PENALTIES:</u>

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).