

LETTING YOU KNOW

The Illinois Department of Transportation (IDOT) is interested in maintaining close communications with industry. This newsletter highlights subjects that we believe will be of interest to you.

No. 183

November 17, 2023 Letting

IDOT Division of Aeronautics Federal-Aid Contracts – New Requirement for Federal Aviation Administration (FAA) Buy American Preference

New FAA Buy American Preference provisions apply to all IDOT Division of Aeronautics federal-aid contracts. Failure to submit a “Certification of Compliance with FAA Buy American Preference – Construction Projects” form in accordance with the bidding procedures set forth in the proposal document (Appendix A4 BUY AMERICAN PREFERENCE) will result in the bid being declared non-responsive. The following is from the proposal document (Appendix A4 BUY AMERICAN PREFERENCE).

The bidder shall submit the completed and signed “Certification of Compliance with FAA Buy American Preference – Construction Projects” form with the bid. The required form must be uploaded in the “Miscellaneous Documents” area as a single .pdf file in the “Integrated Contractor Exchange (iCX)” application within the Department’s “EBids System”.

The Department will not accept a “Certification of Compliance with FAA Buy American Preference – Construction Projects” form if it does not meet the bidding procedures set forth herein and the bid will be declared non-responsive. In the event the bid is declared non-responsive, the Department may elect to cause the forfeiture of the penal sum of the bidder’s proposal guaranty and may deny authorization to bid the project if re-advertised for bids.

IDOT Profile Equipment Verification Program

The Illinois Department of Transportation Profile Equipment Verification Program is being updated and will no longer be held at the Rantoul Airport. The program has been renamed the Profiler Certification Program and will be held at the Illinois Certification and Research Track near Trenton, IL (Google Map Link - [ICART](#)). The program is being revised to more closely follow the standards that are prescribed in AASHTO R56. Schedule appointments at <https://icart.setmore.com/>. For more information, please contact John Senger by email at John.Senger@illinois.gov.

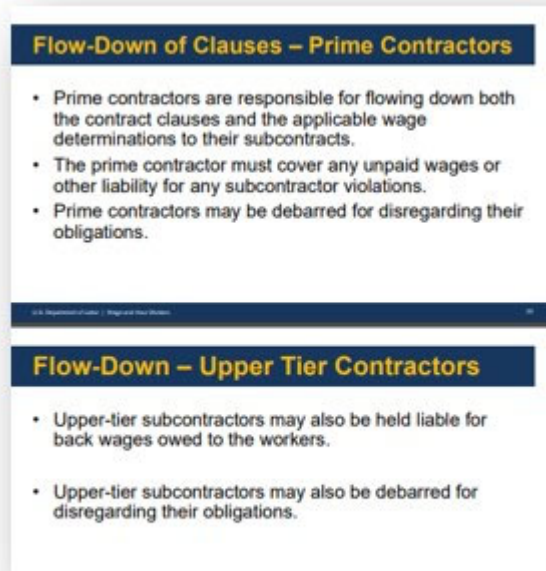
LCP Tracker

IDOT now requires prime contractors and subcontractors to enter certified payrolls into the LCP Tracker Pro software solution for state-let contracts. No software purchase is required. Upon contract execution, contractors will be granted the ability to login to the Illinois DOT LCP Tracker solution and begin entering employee and payroll information for IDOT contracts. Please take note of the revised “Submission of Payroll Records” special provision included in each contract.

New FHWA Wage Requirements for Prime and Sub Contractors

New “Flow-Down Clauses” detail new responsibilities and liabilities for Prime Contractors and Subcontractors in regard to wage rate determinations. These new regulations include a requirement for prime contractors to insert form [FHWA 1273](#) into all new subcontractor contracts (including lower tiers) awarded after 10/23/23. The FHWA 1273 must be incorporated; it cannot be referenced.

Also, be aware of the changes to Davis-Bacon regulations. Share with your personnel, as well as your subcontractors to ensure compliance.



(Above slides are from the Davis-Bacon and Related Acts Final Rule Provisions Powerpoint:

<https://www.dol.gov/sites/dolgov/files/WHD/davis-bacon/DBRA-FinalRuleWebinarPowerPoint.pdf>)

New Requirements for Build America, Buy America (BABA)

As part of the Infrastructure Investment and Jobs Act (IIJA) / Bipartisan Infrastructure Law (BIL) signed into Public Law 117-58 on November 15, 2021, the Build America, Buy America (BABA) Act was expanded beyond what was previously only required for steel/iron products to include a list of construction materials also required to be manufactured in the United States. Beginning with the January 20, 2023 letting, all federal-aid contracts will be subject to the new BABA requirements as written in the “Source of Supply and Quality Requirements (BDE)” special provision.

To help facilitate these new requirements, a “List of Construction Materials Subject to Build America, Buy America (BABA)” has been created (for information only) and is now available on the Department’s website:

<https://idot.illinois.gov/content/dam/soi/en/web/idot/documents/doing-business/specialty-lists/materials/materials---physical-research/metals/BABA-Construction-Materials-List.pdf>

The list is subject to change as more information becomes available from the USDOT/FHWA, so please check back periodically for updates.

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Bid Preference for Illinois Businesses

Effective January 1, 2023, Section 45-105 of the Illinois Procurement Code (30 ILCS 500) requires a bid preference for Illinois businesses on Illinois-based projects. A new Certification N, if applicable, will be included in the bid proposal package requirements of the electronic bidding software (iCX). For any contract having a total construction cost of more than \$100,000.00, the Department shall allocate to any responsible bidder that is an Illinois business a bid preference of 4 percent of the contract base bid. This certification does not apply to federal-aid projects. The bid preference is used only to calculate an amount to be used in evaluating the bid to determine the low bidder, and it does not affect the contract price.

Equal Pay Registration Certificate to IDOL

Illinois law requires private businesses with 100 or more employees in the State of Illinois to submit an application to obtain an Equal Pay Registration Certificate (EPRC) by providing certain pay, demographic, and other data to the Illinois Department of Labor (IDOL) by March 24, 2024, and to recertify every two years after the first submission. The law also requires such employers to submit certain information with their application, including: a statement certifying that the business is in compliance with the [Equal Pay Act of 2003](#) and other State and federal laws related to equal pay.

The deadline to submit an application March 24, 2024. Visit the Illinois Department of Labor [website](#) for additional information.

STAY INFORMED!

Keep in touch with your representative on the IDOT/Industry Policy Committee and the IDOT/Industry Joint Co-op Committee.



Illinois Department of Transportation