

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

September 20, 2024 Letting

**DBE Bidding
Procedures**

Reminder to all bidders that compliance with DBE special provisions is a material bidding requirement:

“Compliance with this Special Provision is a **material bidding requirement** and failure of the bidder to comply will render the bid **not responsive**. The bidder **shall** submit a DBE Utilization Plan (**form SBE 2026**), and a DBE Participation Statement (**form SBE 2025**) for each **DBE company** proposed for the performance of work to achieve the contract goal, with the bid.”

“**All information submitted** by the bidder **must be complete, accurate** and adequately document enough DBE participation has been obtained or document the good faith efforts of the bidder, in the event enough DBE participation has not been obtained, before the Department will commit to the performance of the contract by the bidder.”

Please note:

1. All required DBE Utilization Plan forms **must** be submitted at the time of bidding. This includes the DBE Utilization Plan (SBE 2025) and Participation Statements (SBE 2026) for each DBE firm relied upon to meet the goal.
2. All DBE forms (2026 and 2025s) **must** be fully completed and submitted with the bid. This includes listing all pay items with descriptions to be performed by DBE firms in order to meet the DBE goal (e.g., supplier, construction pay items, trucking).
3. The DBE Utilization Plan (SBE 2026) and Participation Statement (SBE 2026) **must** be submitted even if the prime contractor is a DBE.
4. It is the responsibility of the bidder to verify that the DBE subcontractors relied upon for the bidder’s utilization plan are certified in the necessary work categories to perform the work indicated on the Participation Statement for that DBE. No goal credit will be counted for a DBE subcontractor in a pay item for which that DBE does not have the necessary work category designation.

“If the Utilization Plan indicates the contract goal will **not be met**, **documentation of good faith efforts shall** also be submitted. The documentation of good faith efforts **must include** copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor is selected over a DBE for work on the contract. “

Please note:

1. All good faith effort documentation must be submitted with the bid. Additional documentation may not be accepted after the letting. A narrative explanation detailing the steps and efforts undertaken to attempt to meet the DBE goal and/or explaining the documentation provided is strongly encouraged. Such documentation may include, but is not limited to, logs detailing contacts to DBE firms to solicit bids and follow ups, copies of emails or written correspondence sent to

DBE firms to solicit bids, correspondence reflecting attempts to negotiate with DBE subcontractors.

“If the Utilization Plan is not approved because it is deficient as a technical matter, unless waived by the Department, the bidder will be notified and will be allowed no more than a five-calendar day period to cure the deficiency.”

Please note:

1. Technical matters include such things as typographical errors, partial or incomplete contact information, calculation, or arithmetic errors.
2. All responses to a notification by the Department of a technical deficiency must be responded to in writing or via electronic mail within the time period specified by the Department.
3. Substantive omissions, such as reliance upon DBE firms that are not authorized in the specified work categories or reliance upon pay items that may not be counted toward DBE goal credit (e.g., mobilization), are not considered technical matters and no correction will be allowed.

For questions, please contact the IDOT Bureau Of Small Business Enterprises at 217-782-5490

No Contract Bond for Projects under \$500K

As per Public Act 103-0570, contract bonds are not required for projects with award amounts under \$500,000. The Act is in place as of January 1, 2024 and applies to projects let after that date.”

IDOT Profile Equipment Verification Program

The Illinois Department of Transportation “Profile Equipment Verification Program” has been renamed to the “Profiler Certification Program” and will be held at the Illinois Certification and Research Track near Trenton, IL. ([location map](#)) The program has been revised to more closely follow the standards that are prescribed in AASHTO R56. Schedule appointments through <https://icart.setmore.com/>. For more information, please contact John Senger by email at John.Senger@illinois.gov.

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 the 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.

**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/Assets/uploads/files/Doing-Business/Specialty-Lists/Highways/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.

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.

**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.

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