



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

February 23, 2010

**SUBJECT:** Lake Michigan/Chicago River Leakage Control  
Chicago, Illinois  
Cook County  
Contract No. FR-401  
Item No. 1W, March 5, 2010 Letting  
Addendum B

## NOTICE TO PROSPECTIVE BIDDERS

Attached is an addendum to the plans or proposal. This addendum involves revised and/or added material.

1. Replaced pages 8 through 11 in the Special Provisions with pages 7a through 11 to correct page numbering errors from Addendum A.

Prime contractors must utilize the enclosed material when preparing their bid.

Very Truly Yours,

Ted M. Montrey, P.E., S.E.  
Chief, Design Section

cc: William J. Schuck

TMM:GMS:kmp

However, the Contractor must document efforts to assure that the existing DBE subcontractor is capable of performing the additional work and has agreed in writing to the change.

- (g) All work indicated for performance by an approved DBE shall be performed, managed, and supervised by the DBE executing the Participation Statement. The Contractor shall not terminate for convenience a DBE listed in the Utilization Plan and then perform the work of the terminated DBE with its own forces, those of an affiliate or those of another subcontractor, whether DBE or not, without first obtaining the written consent of the Department's Manager, Division of Project Implementation to amend the Utilization Plan. The Contractor shall notify the Department's Manager, Division of Project Implementation of any termination for reasons other than convenience, and shall obtain approval for inclusion of the substitute DBE in the Utilization Plan. If good faith efforts following a termination of a DBE for cause are not successful, the Contractor shall contact the Department's Manager, Division of Project Implementation and provide a full accounting of the efforts undertaken to obtain substitute DBE participation. The Department will evaluate the good faith efforts in light of all circumstances surrounding the performance status of the contract, and determine whether the contract goal should be amended.
- (h) The Contractor shall maintain a record of payments for work performed to the DBE participants. The records shall be made available to the Department for inspection upon request. After the performance of the final item of work or delivery of material by a DBE and final payment therefore to the DBE by the Contractor, but not later than thirty calendar days after payment has been made by the Department to the Contractor for such work or material, the Contractor shall submit a DBE Payment Agreement on IDOT form SBE 2115 to the Department's Manager, Division of Project Implementation. If full and final payment has not been made to the DBE, the DBE Payment Agreement shall indicate whether a disagreement as to the payment required exists between the Contractor and the DBE or if the Contractor believes that the work has not been satisfactorily completed. If the Contractor does not have the full amount of work indicated in the Utilization Plan performed by the DBE companies indicated in the Utilization Plan and after good faith efforts are reviewed, the Department may deduct from contract payments to the Contractor the amount of the goal not achieved as liquidated and ascertained damages. The Contractor may request an administrative reconsideration of any amount deducted as damages pursuant to subsection (j) of this part.
- (i) The Department reserves the right to withhold payment to the Contractor to enforce the provisions of this Special Provision. Final payment shall not be made on the contract until such time as the Contractor submits sufficient documentation demonstrating achievement of the goal in accordance with this Special Provision or after liquidated damages have been determined and collected.
- (j) Notwithstanding any other provision of the contract, including but not limited to Article 109.09 of the Standard Specifications, the Contractor may request administrative reconsideration of a decision to deduct the amount of the goal not achieved as liquidated damages. A request to reconsider shall be delivered to the Department's Manager, Division of Project Implementation and shall be handled and considered in the same manner as set forth in paragraph (c) of "Good Faith Effort Procedures" of this Special Provision, except a final decision that a good faith effort was not made during contract performance to achieve the goal agreed to in the Utilization Plan shall be the final administrative decision of the Department.



(1) Policy

It is public policy that disadvantaged businesses as defined in 49 CFR Part 26 and the Special Provision shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal or State funds. Consequently the requirements of 49 CFR Part 26 apply to this contract.

(2) Obligation

The contractor agrees to ensure that disadvantaged businesses as defined in 49 CFR Part 26 and the Special Provision have the maximum opportunity to participate in the performance of contracts or subcontracts financed in whole or in part with Federal or State funds. The contractor shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 and the Special Provision to ensure that said businesses have the maximum opportunity to compete for and perform under this contract. The contractor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

(3) Project and Bid Identification

Complete the following information concerning the project and bid:

Route \_\_\_\_\_
Section \_\_\_\_\_
Project \_\_\_\_\_
County \_\_\_\_\_
Letting Date \_\_\_\_\_
Contract No. \_\_\_\_\_
Letting Item No. \_\_\_\_\_

Total Bid \_\_\_\_\_
Contract DBE Goal (Percent) \_\_\_\_\_ (Dollar Amount) \_\_\_\_\_

(4) Assurance

I, acting in my capacity as an officer of the undersigned bidder (or bidders if a joint venture), hereby assure the Department that on this project my company : (check one)

[ ] Meets or exceeds contract award goals and has provided documented participation as follows:
Disadvantaged Business Participation \_\_\_\_\_ percent

Attached are the signed participation statements, forms SBE 2025, required by the Special Provision evidencing availability and use of each business participating in this plan and assuring that each business will perform a commercially useful function in the work of the contract.

[ ] Failed to meet contract award goals and has included good faith effort documentation to meet the goals and that my company has provided participation as follows:

Disadvantaged Business Participation \_\_\_\_\_ percent

The contract goals should be accordingly modified or waived. Attached is all information required by the Special Provision in support of this request including good faith effort. Also attached are the signed participation statements, forms SBE 2025, required by the Special Provision evidencing availability and use of each business participating in this plan and assuring that each business will perform a commercially useful function in the work of the contract.

By \_\_\_\_\_ Company
Title \_\_\_\_\_
Date \_\_\_\_\_

The "as read" Low Bidder is required to comply with the Special Provision.
Submit only one utilization plan for each project. The utilization plan shall be submitted in accordance with the special provision.
Bureau of Small Business Enterprises Local Let Projects
2300 South Dirksen Parkway Submit forms to the
Springfield, Illinois 62764 Local Agency

The Department of Transportation is requesting disclosure of information that is necessary to accomplish the purpose as outlined under State and Federal law. Disclosure of this information is REQUIRED. Failure to provide any information will result in the contract not being awarded. This form has been approved by the State Forms Manager Center.



## **TIME LIMIT**

Time Limit for work. The Contractor's attention is called to the fact that the appropriation for the current fiscal year, from which the cost of this contract will be paid, will lapse at the end of the fiscal year, which is June 30. Continuation of this contract into the next fiscal year will be contingent upon the Illinois General Assembly reappropriating funds for this contract. If funds are not reappropriated, this contract will be terminated on or before the appropriation lapse date.

## **CONTRACT CLAIM**

The following provisions shall be substituted in Article 109.09 of the Standard Specifications.

- (1) The title District Engineer shall mean Manager, Division of Project Implementation.
- (2) The section titled Procedure shall be as follows:

### Procedure

All claims must be submitted to the Manager, Division of Project Implementation. The Contractor may request an opportunity to present the claim verbally at each of the following levels if the claim has not been satisfactorily resolved at the previous level.

- (a) Manager, Division of Project Implementation
- (b) Director of Water Resources

All requests for presentation must be made through the Manager, Division of Project Implementation. Requests by the Contractor to present a claim at the second level will be accompanied by two additional copies of the claim with addenda.

Full compliance by the Contractor with the provisions of this Special Provision is a contractual condition precedent to the Contractor's right to seek relief in the Court of Claims. The Director's written response shall be deemed a final action of the Department. Unless the Contractor files a claim for adjudication by the Court of Claims within 60 days after the date of the written response, the failure to so file shall constitute a release and waiver of the claim.

## **VALUE ENGINEERING PROPOSALS**

Replace Section (a) of Article 104.07 of the Standard Specifications with the following:

(a) Proposal Submittals. Value Engineering Proposals shall be submitted in two phases as follows:

- (1) Concept Phase. Prior to the submittal of any Value Engineering Proposal, the Contractor shall submit a brief summary outlining the concept of the proposal to the Division of Project Implementation. Within five working days after receipt of the proposal concept, the Department will notify the Contractor as to whether or not the proposal concept qualifies for consideration as Value Engineering. If it

appears, based on the concept, that the actual proposal will require a review period exceeding the normal review period, as outlined below, the Contractor will be so advised. Approval of the concept does not constitute or imply approval of the subsequent submittal of the complete Value Engineering Proposal.

- (2) After the concept has been approved, the Contractor, if electing to proceed with submittal of the complete Value Engineering Proposal, shall submit the proposal to the Division of Project Implementation for review. Provided the proposal is complete and contains all the required information for review, the Manager of the Division of Project Implementation will notify the Contractor, within 10 working days after receipt of the proposal, as to the acceptability of the proposal, unless additional review time has been established as noted in the concept review process.

## **WORKING DAYS**

The Contractor shall complete the work by September 30, 2010.

## **CONSTRUCTION PROCEDURE**

The Contractor's attention is directed to the fact that the U.S. Army Corps of Engineers, the Illinois Environmental Protection Agency and the IDNR/Office of Water Resources (OWR) have issued permits for this project. The Contractor is also required to obtain and submit to the OWR any other necessary permits for construction, including a Harbor Permit from the Chicago Department of Transportation (CDOT). The OWR has completed all necessary transmittals to the CDOT, Office of Underground Coordination (OUC) in regards to the Harbor Permit, and all necessary reviews have been made. To obtain the permit, the Contractor will need to send a letter requesting the Harbor Permit for the Lake Michigan/Chicago River Leakage Control Project, FR-401, OUC # 43191 to Mr. John Yonan, Deputy Commissioner, Division of Engineering, City of Chicago Department of Transportation, 30 North LaSalle Street, 3<sup>rd</sup> Floor, Chicago, IL 60602, Attention Mr. Oswaldo, Chaves. There should be no fee charged for this permit.

These permits and review form/minutes contain certain requirements which may affect the construction of this project. It will be the Contractor's responsibility to familiarize himself with the requirements of the above-mentioned permits and review form/minutes, and conduct his work in accordance with those requirements and the special provision contained herein. See the following pages for copies of these permits and form/minutes.

Should the Contractor desire to use materials, construction methods, or procedures which differ substantially from that authorized by the granted permits, it is the responsibility of the Contractor to obtain approved amendments to the permits.

All costs incurred by the Contractor in complying with the applicable requirements of the above-mentioned permits/documents shall be considered as completely covered by the contract unit prices bid for the various items of work in the proposal.