

MICHIGAN
DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION
FOR
DATA COLLECTION PROCESS

CSD:DAP

1 of 2

APPR:JGM:DBP:07-01-13
FHWA:APPR:07-19-13

Add the following sentences to subsection 102.06.A, on page 17 of the Standard Specifications for Construction.

6. The confirmed low bidder did not submit work classification and quoting information for all subcontractors that supports the overall DBE percentage within the timeframe specified in subsection 102.18.
7. The confirmed low bidder did not submit a completed Form 0178, or a Request for Modification/Waiver and Good Faith Effort (GFE) documentation within the timeframe specified in subsection 102.18

Delete the second paragraph of subsection 102.18, on page 24 of the Standard Specifications for Construction in its entirety and replace with the following:

The three lowest as-submitted bidders must provide work classification and quoting information for all subcontractors that supports the overall DBE percentage by 2:00 pm on the day of the bid letting. This information must be submitted using Form 5110 (Data Collection Prime Contractor Submission) via e-mail to MDOT-BidLetting@michigan.gov.

DBE subcontractors who quoted the three lowest as-submitted bidders must complete Form 5111 (DBE Data Collection Subcontractor Submission) and submit via e-mail to Mdot-dbe@michigan.gov by 2:00 pm on the day of the bid letting.

Within 3 business days of the bid letting, or of release from To Be Announced (TBA) status, the confirmed low bidder must submit their signed Form 0178. If the DBE participation goal is met, no further action is required. If the DBE participation goal is not met, the submittal must include the low bidder's Request for Modification/Waiver and their Good Faith Effort (GFE) documentation. (A standard template for the GFE Modification/Waiver is available at www.michigan.gov/mdotdbe.)

Within 3 business days of MDOT's receipt of the confirmed low bidder's Request for Modification/Waiver and supporting documentation describing good faith efforts to meet the project DBE goal, the Good Faith Effort (GFE) Committee will meet and issue a determination relative to the low bidder's request for DBE participation modification or waiver. In the event a GFE request is denied, the GFE Committee will include rationale for the basis of the denial in the decision letter.

Delete subsection 102.18.A, on page 25 of the Standard Specifications for Construction in its entirety.

Rename subsection 102.18.B, on page 25 of the Standard Specifications for Construction as 102.18.A Post-Award Waivers or Modifications.

Delete subsection 102.18.C, on page 25 of the Standard Specifications for Construction in its entirety and rename as subsection 102.18.B Appeals and replace with the following:

Within 2 business days of receipt of an adverse determination, the low bidder may appeal that decision. This appeal must be made in writing to the Appeal Panel in accordance with the DBE Program Procedures (Good Faith Effort Appeals). The low bidder may request to meet in person with the Appeal Panel.

Within 2 business days of receipt of the low bidder's appeal, the Appeal Panel will meet and issue their determination. The determination of the Appeal Panel is administratively final (not appealable to the U.S. Department of Transportation). In the event a GFE request is denied, the Appeal Panel will include rationale for the basis of the denial in the determination letter and the Department will reject the bid in accordance with subsection 102.06.A. The department will then take the necessary steps to award the contract to the next low Bidder, or otherwise exercise its discretion in accordance with subsection 102.13 of the Standard Specifications for Construction.

Rename subsection 102.18.D, the on page 25 of the Standard Specifications for Construction as 102.18.C Reports.

Rename subsection 102.18.E, the on page 25 of the Standard Specifications for Construction as 102.18.D Penalties.