



**OHIO TURNPIKE AND
INFRASTRUCTURE COMMISSION**

ADDENDUM NO. 2
ISSUED: JANUARY 3, 2023

PROJECT NO. 59-22-03 (REBID)

**REPAIRS AND RESURFACING INTERCHANGE 118 RAMPS MILEPOST 118.60 ERIE
COUNTY, OHIO**

ISSUED DECEMBER 7, 2022

OPENING DATE: 2:00 P.M. (EASTERN TIME) JANUARY 6, 2023

ATTENTION OF BIDDERS IS DIRECTED TO:

ANSWERS TO QUESTIONS RECEIVED THROUGH 12:00 P.M. ON JANUARY 3, 2023

MODIFICATIONS TO THE CONTRACT DOCUMENTS

The five (5) page "Appendix – Office of Equity and Inclusion Forms" immediately following page 127 of the bid documents is supplemented with pages 6, 7 and 8.

Issued by the Ohio Turnpike and Infrastructure Commission through Aimee W. Lane, Esq., Director of Contracts Administration.

Aimee W. Lane

Aimee W. Lane, Esq.,
Director of Contracts Administration

January 3, 2023
Date

ANSWERS TO QUESTIONS RECEIVED THROUGH 12:00 P.M. ON JANUARY 3, 2023:

Q#16 Due to the nature of the paving work on the project, and the tight proximity of the lanes proposed to be paved. Would the department consider forgoing the use of MTD's?

A#16 The following modification(s) to SP 400 will apply for this Project:

- The use of a Material Transfer Device (MTD) will not be required to perform the Work for this Project.*
- The Commission will review the General rideability of the Work performed for the Project as called for in Section III.I Tolerances of the Finished Surface.*

END OF ADDENDUM NO. 2

GUIDANCE FOR DEMONSTRATING GOOD FAITH EFFORTS TO ACHIEVE OR EXCEED THE CONTRACT GOAL

If the SBE Participation Certification and Utilization Plan fails to document commitment to achieving the SBE Goal set forth in the notice to bidders, complete the Good Faith Effort Demonstration Form to document necessary and reasonable actions that, by their scope, intensity, and appropriateness, would reasonably be expected to attain SBE participation that meets or exceeds the goal.

The Commission's determination of Good Faith Efforts is based on consideration of the quality, quantity, and intensity of the different kinds of actions taken. The activities or efforts undertaken to when making a Good Faith Effort must be those that one could reasonably expect to deploy when seriously, actively and aggressively attempting to obtain SBE participation in relative proportion to those that are Available to capably perform Commercially Useful Functions under the Opportunities presented in given contract.

The analysis for determining whether the bidder or respondent fulfilled its obligation to use Good Faith Efforts, the Commission will consider the demonstration of the following, which the form is intended to illicit from the bidder:

1. **“Opportunities”** means the subcomponents of the project that are identifiable as economically viable scopes of work that may interest subcontractors in responding to the respondent's solicitations to participate in the Project. The unique opportunities each project presents is determined based on the nature of the project using in-house expertise and the aggregation of those that the bidders or respondents may identify in their bids or proposals.
2. **“Availability”** means the degree of ready, willing and able SBEs available to capitalize on the opportunities presented under each project. The availability consideration examines the amount of SBEs in the relevant marketplace using (1) the Commission's list of certified SBEs (available at <http://www.ohioturnpike.org/business/mbe-fbe>); (2) the Unified Certification Program's DBE Directory (at <http://www.ohioturnpike.org/business/mbe-fbe>); (3) the Department of Administrative Service's directory of EDGE certified businesses: <http://eodreporting.oit.ohio.gov/searchEDGE.aspx>; the Ohio Department of Transportation's registry of SBEs: https://odotextrpt.dot.state.oh.us/ViewReport.aspx?reportPath=%2fprd%2fpreconstruction%2fpublic%2fextawp_sbevendorlist; and (5) any other Ohio-centric database that the Commission recognizes as using standards that are substantially similar to the requirements for certification with the Commission.
3. **“Efforts”** means the documented attempt to meaningfully and earnestly solicit the interest of available SBEs to fulfill the opportunities presented to perform on the Project, including making a sufficient number of contacts to follow up with any available but non-responsive SBEs and negotiating in good faith with available SBEs to reach reasonably agreeable terms for their participation.
4. **“Commitments”** means the bidder or respondent representations in the Participation Certification and Utilization Plan to have successfully achieved commitment(s) to utilize verified SBEs to perform on the project.

The determination that a given respondent or bidder satisfactorily used and demonstrated its Good Faith Efforts is based on the holistic review of the Opportunities, Availability, Effort and Commitment documented in the bid or proposal documents.

A. Opportunities and Availability

This assessment of opportunities and availability compiles those SBEs that the bidders or respondents may identify in their Utilization Plan and Good Faith Efforts Demonstration forms, but also may go outside the form to identify additional possible opportunities under the project and recognized certification registries for possible untapped available firms.

A bidder or respondent can demonstrate fulfilling the **Opportunity** component is documenting that the bidder or respondent performed actions that include the following:

- a. Selected and packaged portions of the work in order to increase the likelihood that the SBEs will respond to solicitations expressing interest in participating on the project. This includes, where appropriate, breaking out contract work into economically feasible units to facilitate participation through subcontracting.
- b. Soliciting the interest of all SBE entities available to perform on the project through reasonable, meaningful and available means and providing a reasonable and meaningful time to respond.

The means for a bidder or respondent to fulfill the **Availability** component of demonstrating good faith efforts includes the following:

- a. Searching recognized registries identifying certified SBEs that potentially could fulfill the opportunities under the project.
- b. Identifying other possible ready, willing and able SBEs through the effective use of the services of available from plan rooms, community organizations, contractors' groups, local, state, and Federal minority/women business assistance offices, and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and utilization of SBE entities.

B. Efforts and Commitment

Bidders must document level of exertion used to engage the Availability pool on the Opportunities presented under the project. The **Efforts** component considers the active attempts to successfully reach terms with interested SBE firms, which may include the following:

- a. Negotiating in good faith with interested SBE entities so as to facilitate their participation on the Project.
- b. Not rejecting SBE entities without sound reasons based on a thorough investigation of their capabilities.
- c. Assisting SBE entities in obtaining bonding, lines of credit, or insurance as required.

The **Commitment** component provides a cross-check on the identified and documented Opportunities, Availability and Efforts. Unless the analyses under the Opportunities, Availability and Efforts prongs demonstrate otherwise, the utilization of Good Faith Efforts is expected to result in the bidder or respondent successfully representing its achievement of SBE participation goal for the contract. The bidder or respondent must provide justification for any lack of Commitment by showing that the failure occurred despite its Good Faith Efforts through the demonstration under the Opportunity, Availability and Efforts prongs of the test.

PROJECT EMPLOYMENT DATA SHEET

(Current Employees of Bidder)

PROJECT NO: _____

Please note that this data may be obtained by visual survey or past-employee records.

| JOB CATEGORIES | ALL EMPLOYEES | | | MINORITY GROUP EMPLOYEES | | | | | | | | | |
|-----------------------------------|------------------------------|------|--------|--------------------------|--------|----------|--------|-------|--------|--------------------|--------|-------------------|--------|
| | TOTAL MALE & FEMALE | MALE | FEMALE | BLACK | | HISPANIC | | ASIAN | | AMERICAN INDIAN | | ALASKAN NATIVE | |
| | | | | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female |
| Officials, Managers & Supervisors | | | | | | | | | | | | | |
| Professionals | | | | | | | | | | | | | |
| Technicians | | | | | | | | | | | | | |
| Sales Workers | | | | | | | | | | | | | |
| Office & Clerical | | | | | | | | | | | | | |
| Craftsman (Skilled) | | | | | | | | | | | | | |
| Operatives (Semi-Skilled) | | | | | | | | | | | | | |
| Laborers (Unskilled) | | | | | | | | | | | | | |
| Service Workers | | | | | | | | | | | | | |
| Apprentices | | | | | | | | | | | | | |
| Total This Report | | | | | | | | | | | | | |
| Total Previous Report | | | | | | | | | | | | | |

The undersigned certifies that he or she is legally authorized to make the statements and representations contained in this report, and to have read all of the foregoing statements and representations and that they are believed true and correct, and that the bidder possesses a valid certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code dated no earlier than one hundred eighty days prior to the date fixed for the opening of bids for the project.. It is understood that the above employment data is current, and represents the present employment statistics. "Current" indicates the data is accurate within thirty days of signing.

BIDDER'S NAME _____ DATE OF SIGNING _____

SIGNATURE _____ TITLE _____