



July 24, 2017

## ***CONSTRUCTION ADVISORY***

### **UTCA SECURES NEW JERSEY DEPARTMENT OF TRANSPORTATION'S RESCISSION OF THE REQUIREMENT TO SUBMIT DBE FORM CR-266 AT TIME OF BID**

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UTCA representatives recently met with New Jersey Department of Transportation (NJDOT) Commissioner Rick Hammer and his senior staff to discuss the Department's proposed changes to its Disadvantaged Business Enterprise (DBE) program. The industry had major concerns with the Department's requirement to implement the DBE Pilot Program on July 1st, which would have left Form CR-266 (listing of all DBE subcontractors) due at the time of bid. UTCA secured a postponement of the July 1<sup>st</sup> implementation date. In the meeting held last week, UTCA was successful in securing Commissioner Hammer's agreement to not require the CR-266 at time of bid.

Prior to this recent agreement, UTCA and our industry partners had previously advocated for changes to the Pilot Program, through both written comments and several in-person meetings. Our joint efforts secured major changes to the Department's original proposed changes.

The Department had originally intended to require several new forms at the time of bid including:

- Form CR-261- List all DBE and Non-DBE firms providing a bid or quote for the contract
- Form CR-266- Schedule of DBE/ESBE/SBE Participation
- Form CR-273-Confirmation of DBE/ESBE/SBE Firm (for each firm on CR-266)
- Good Faith Effort would also have been required at time of bid

If applicable, also to be required at time of bid:

- Form CR-274- DBE/ESBE/SBE Trucking Verification Form
- Form CR-272- DBE/ESBE/ Regular Dealer/Supplier Verification

The Department was also seeking to require bidders to include the prices submitted by all DBE and NON-DBE firms.

UTCA, and our industry partners, convinced the Department that there would be detrimental effects to both the industry and the Department's ability to award contracts under the proposed new requirements. Other than the Form CR-266, which still would be required at the time of bid, the industry was successful in securing the following changes from the NJDOT to their proposed Pilot Program:

- The Form CR-261 will now only be required on an annual basis.
- Forms CR-272,273, and 274 will now be required 5 days after the bid as will the firm's Good Faith Effort
- The Form CR-266 was still be required at the time of bid and bidders will not be able to change the firms listed on the Form until after the contract award.

After the Pilot Program, the Department announced that the NJDOT was implementing the new requirements on July 1, 2017 with no further changes. At that time UTCA successfully obtained a postponement of the implementation of the new requirements and secured a meeting with NJDOT Commissioner Hammer and his senior staff to express the industry's opposition to the submission of Form CR-266 with project bids. As a result of the meeting with Commissioner Hammer, the Department has agreed to move the requirement to submit Form CR-266 with the bids to now submit Form CR-266 five days after the bid.

UTCA wishes to extend its thanks to Commissioner Rick Hammer, Deputy Commissioner Joe Bertoni, Chief of Staff John Case, Director of Civil Rights and Affirmative Action Linda Legge and Director of Construction Services and Materials Snehal Patel for their time and efforts working with the industry on this critical issue.

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