

Section 110.04 Use of Business Opportunity and Workforce Development Contractors (BOWD) – Potential bidders are advised the proposal for work on this project provides an opportunity to achieve all or a percentage of the required DBE goals determined for this project by the utilization of at least one Business Opportunity and Workforce Development (BOWD) approved firm or contractor. To assist bidders in taking advantage of this opportunity for utilization of approved BOWD contractors bidders are directed to contact the BOWD Center for additional information, details, resources and support. The BOWD Center can be contacted at (804) 662-9555 or by accessing its director, Ms. Jessica Spencer at (804) 662-9558.

The BOWD Center is a VDOT developmental supportive services program and partnering initiative for selected DBE firms of various skill and competence levels interested in entering, enhancing or expanding highway construction contracting opportunities with prime Contractors. The partnering initiative between prime Contractors and BOWD DBE firms provides the opportunity for the further development of DBE firms through performance on contracts and guidance from Prime contractors. The intent of this partnering initiative is to increase capacity by perfecting existing skills and knowledge, expanding into new work areas, and prime contractor joint venturing with DBE firms.

A list of potential BOWD contractors is included in this proposal. Prime Contractors electing to utilize BOWD Center contractors may preview DBE firm profiles by contacting the BOWD Center director. The DBE profiles provide information regarding the DBE firms' capabilities, areas of expertise and desired development goals.

Prime Contractors shall request quotes from DBE firms for consideration under this BOWD Center initiative. Information regarding selected DBE firm(s) shall be required on Forms C-111 and C-112. The requirements of the Special Provision for Section 110.04 of the Specifications is applicable to this initiative except as stated in this document. Those exceptions involve the following areas:

Commercially Useful Function

Supervision: The prime Contractor may provide supervision or hands-on technical guidance to DBE firms, as necessary, without loss of participation credit. Prime Contractor assistance must be in a developmental capacity; the DBE firm must perform their own work.

Equipment: A BOWD contractor may use or lease equipment from the Prime Contractor for a fair market price under circumstances whereas the DBE firm is expanding into a new work area and does not have the required equipment in their possession. Such arrangements do not put the Prime Contractor at risk for loss of participation credit.

Materials: The BOWD contractor is responsible for securing all material to be used on the construction site that is required to perform the BOWD subcontracted work. Joint check agreements are allowed during this partnering initiative.

DBE Compliance Reviews

Formal DBE Compliance Reviews will not be conducted on contracts with BOWD contractors, but monitored for DBE work performance.

Replacement of BOWD Contractor

Special Provision for Section 110.04 of the Specifications must be followed in order to replace a BOWD contractor. In the event replacement of a BOWD contractor becomes necessary the Prime Contractor shall provide a good faith effort to replace the BOWD contractor with a DBE contractor in accordance with the replacement provisions of DBE contractors in the Special Provision for Section 110.04 of the Specifications.

DBE Goal

Attainment of the contract DBE goal, notwithstanding any loss of BOWD contractor participation credit, will not impact the prime Contractor's ability to meet stated DBE contract goal.

Good Faith Efforts

A Prime contractor utilizing a combination of BOWD Center DBE firms and other DBE firms must illustrate a good faith effort in achievement of the contract DBE goal. There will be no sanctions resulting from a Prime contractor that has elected to participate in the BOWD Partnering program when a BOWD DBE firm has failed to perform on a contract. In an effort to maximize DBE efforts and to help ensure successful DBE performance on contracts the BOWD Center will:

- Provide consultants (Engineers) to assist the DBE firm(s) on the construction site with supervision and development of technical skills related to the area of subcontract work.
- Assist DBE firm(s) with contract management skills to plan, organize, and control resources to manage overall construction process regarding the performance of contracted items of work.
- Provide DBE firm(s) specialized training and financial assistance regarding access to computer software, office equipment, memberships, etc. in the development of each firm.

Incentive

The prime contractor will be paid an incentive equal to 10% of the total amount of the contract work assigned to the selected BOWD DBE. This will be paid in installments on the monthly voucher according to the same proportions as paid for the BOWD DBE's work.