

## COMPLIANCE CONTACTS

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### Office of Inspector General COMPLAINT HOTLINE



If you see corruption, fraud, waste or dishonest practice of any kind, please report it to the City of Chicago Office of Inspector General (OIG) – PBC's oversight body. Concerned employees, contractors, consultants and members of the public may contact OIG via its independent hotline and website.

Telephone: 866.448.4754

[ChicagoInspectorGeneral.org/Get-Involved](http://ChicagoInspectorGeneral.org/Get-Involved)

## PROCUREMENT OPPORTUNITIES

### SIGN UP FOR PBC ALERTS

You can sign up for a free service that emails you each time a new construction contract is offered for bid or professional service qualifications are being sought. Notices help companies prequalify for bidding opportunities as well as find subcontracting opportunities.

Other features on the PBC's website can help you identify opportunities for your company and include:

- Official actions taken by the PBC Board
- Annual reports and financial statements
- Information about PBC projects, including architect appointments and general contractor awards
- Lists of general contractors that have picked up bid documents or attended pre-bid meetings for any pending contracts
- Contracts awarded by the PBC, including commitments to use MBE/WBES
- Names, contact information and ownership data for all general contractors, construction managers and specialty consultants prequalified to bid on PBC contracts
- Bid tabulations for PBC-awarded general contracts
- General contractor pay applications with subcontractor pay amounts

To register, go to [pbcchicago.com](http://pbcchicago.com)

### PUBLIC BUILDING COMMISSION

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PUBLIC BUILDING COMMISSION

# COMPLIANCE PROGRAM

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## PUBLIC BUILDING COMMISSION COMPLIANCE PROGRAM

As a steward of the public fund, the Public Building Commission (PBC) is committed to Minority Business Enterprises (MBE) and Women Business Enterprises (WBE), collectively MBE/WBE, which set goals for public contracts for diverse certified small businesses. The MBE/WBE program is designed to build capacity and create thriving minority- and women-owned companies. To meet these goals, PBC contractors must ensure that certified MBE/WBE businesses participate on projects in a meaningful way that brings real value to PBC projects. Once contractors commit to use MBE/WBE businesses at the agreed level, failure to comply may result in prohibition from bidding on future contracts or even criminal sanctions in the case of fraud. The PBC's Compliance staff is committed to ensuring contractors meet their MBE/WBE, and workforce opportunity goals and do so in a legal and ethical manner.

The cornerstone of the compliance program is articulated in the MBE/WBE Special Conditions (Article 23) adopted by the PBC Board. Article 23 is incorporated into all PBC construction contracts. These Special Conditions are the Board's commitment to ensuring competitive business opportunities for MBE and WBE firms, to prohibit discrimination in the award of or participation in contracts and to abolish arbitrary barriers to full participation in contracts by all persons, regardless of race, sex or ethnicity.

PBC construction contracts require MBE/WBE participation, community hiring, city residency and local business subcontracting.

PBC contracts also afford contractor incentives through commitments to provide a diverse workforce via award criteria requirements and voluntary bid credits.

### MBE/WBE OUTREACH

The PBC reaches out to communities in a number of ways. We conduct MBE/WBE business outreach events and offer networking sessions prior to prequalification and bid events to provide general/prime contractors, subcontractors and joint venture partners an opportunity to meet and promote business opportunities.

The PBC also meets on a regular basis with assist agencies, sister agencies and community groups to explore opportunities for increasing participation and capacity on projects.

### MBE/WBE COMPLIANCE

Prime contractors commit to M/WBE participation goals at the time of bid or proposal. Their commitment to the PBC is to use the MBE/WBE firms in a meaningful way that adds value to the project. The MBE/WBE firms must serve a commercially useful function by executing a distinct element of the work. A firm is considered to perform a commercially-useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a firm is performing a commercially useful function, the Commission will evaluate the amount of work subcontracted, industry practices and other relevant factors.

These commitments are memorialized by a completed Schedule D: Affidavit of General Contractor regarding M/WBE Participation and Schedule B: Affidavit of Joint Venture (if applicable) describing the extent to which MBE/WBE firms will participate in the Contract. The apparent low bidder must provide a complete Schedule C: Letter of Intent from MBE/WBE to Perform as a Subcontractor, Subconsultant or Material Supplier, with current certification letter for each MBE and WBE firm in its bid within five days of the date set for bid opening.

Once the MBE/WBE plan is approved, the project, subcontractors and commitments are entered into the PBC's B2GNow Compliance Monitoring System. The project's progress toward the MBE/WBE commitments is monitored electronically through this system with each payment application.

This system is also utilized to enforce the prompt payment requirement. This contract provision obligates the general/prime contractors pay subcontractors within 14 days after they are paid by the PBC. Subcontractors receive messages via B2GNow, responding electronically to report whether they have been paid within the required time frame.

### WORKFORCE OPPORTUNITIES

PBC contracts include goals and requirements intended to promote a diverse workforce on job sites. These provisions support the use of minority and female journeyworkers, apprentices and laborers. Minimum requirements for hiring community residents and City residents are also included in each contract.

PBC requires the general/prime contractors to participate in community-based intake sessions to identify job ready residents in the community area of the project. Community hiring events are posted on the PBC website at [pbcchicago.com](http://pbcchicago.com) and shared with community stakeholders.

### PAYROLL REPORTING

The PBC also maintains the LCPTracker System in which contractors are required to report certified payrolls for any labor incurred on the job site.

All project-related payroll is reported via the PBC's LCPTracker reporting system. Subcontractors are required to submit certified payrolls on a monthly basis throughout the duration of the project. These labor hours are used to calculate the project compliance with the workforce goals and requirements.

### SITE VISITS

PBC conducts site visits on all vertical construction projects. PBC staff visit job sites to ensure that MBE/WBE subcontractors are actively working at the project. The PBC Compliance staff also audit the workforce on the job to ensure that the on-site labor is in line with the workforce opportunity commitments made by the general/prime contractor and PBC's contract requirements.

### NON-COMPLIANCE

The PBC Compliance staff stands ready to assist contractors in meeting the workforce employment commitments and MBE/WBE goals on each project. Meetings are held throughout the project to review the contractor's progress toward these obligations. Failure to comply with certain commitments and goals may result in sanctions up to and including exclusion from future bidding opportunities, monetary damages and termination of the contract.

### COMPLIANCE TRAINING

Contractors eligible for MBE/WBE credit must be certified by the City of Chicago or Cook County at the time of bid award. The PBC encourages vendors to maintain their certification throughout project duration.

## SUBCONTRACTOR & SUPPLIER RIGHTS & RESPONSIBILITIES

At the start of a job, subcontractors will receive a letter from the PBC which provides information about their rights and responsibilities. It is important that each contractor on a job understand their role as it is memorialized in their contract. This letter is available for review at [pbcchicago.com/content/working](http://pbcchicago.com/content/working).