



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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BILL LEE
GOVERNOR

MEMORANDUM

**TO: TRBA,
Regional Directors of Operations, Regional Operations Staff**

FROM: Jason Blankenship, Contract Letting & Administration

DATE: May 24, 2024

SUBJECT: Updates to Bidding Requirements and Prompt Payment

Due to recent updates to 49 CFR Parts 23 and 26, TDOT has revised Standard Specification 109.02, Special Provision 1246, Special Provision 1247, Instructions to Bidders, the TDOT Subcontractor Bid Quotes Form, and the Project Bids DBE Tab. In addition, apparent low bidders will be required to submit additional information regarding regular dealers and suppliers on DBE Goal projects.

These changes are effective with the June 21, 2024 Letting.

Summary of Changes:

- Instructions To Bidders
 - **All bidders** for each project must provide a list of all subcontractors who provided a quote to perform work before close of business (4:30 PM, Central Time) five (5) calendar days after the date on which bids are required to be submitted.
 - Emergency Letting contracts and Mowing and Litter contracts will not require a bidders list.
 - Failure to complete and submit this form (bidders list) by the specified date may result in a non-responsive bid and forfeiture of bid bond.
 - Any bidder that fails to submit the required bidders list may have their prequalification status changed and ability to bid as prime contractor rescinded.
- TDOT Subcontractor Bid Quotes Form
 - Form has been revised with drop-downs for work classification based on TDOT Work types
 - A new tab has been added for primes to enter information for non-prequalified vendors
- DBE Goal Contracts
 - If using material suppliers/distributors to obtain the DBE goal, then Apparent low bidder will be required to submit the [USDOT Regular Dealer/Distributor Affirmation Form \(transportation.gov\)](https://www.transportation.gov/USDOT-Regular-Dealer-Distributor-Affirmation-Form)
 - Form is due with DBE Goal information before close of business (4:30 PM, Central Time) five (5) calendar days after the date on which bids are required to be submitted.

- 109.02: Prompt Payment
 - **All** subcontractors, certified Disadvantaged Business Enterprises (DBE) or certified Small Business Enterprises (SBE) material suppliers, and DBE or SBE haulers shall acknowledge payment entry in AASHTOWare Project Civil Rights & Labor (CRL) within fourteen (14) calendar days from the date of posting.
 - See instructions on acknowledging payment at: [Microsoft Word - Prompt Payment - Instructions for Payee.docx \(tn.gov\)](#)
- Special Provision 1246
 - **All** subcontractors, DBE or SBE material suppliers, and DBE or SBE haulers shall acknowledge payment entry in CRL.
- Special Provision 1247
 - Under Section B, added definition of DBE Distributor
 - Under Section D, added requirement that **all** subcontractors, DBE or SBE material suppliers, and DBE or SBE haulers shall acknowledge payment entry in CRL.

The updates to 49 CFR Parts 23 and 26 are significant changes to the DBE program that have not been seen in recent memory. It is imperative that Industry and Department staff familiarize themselves with the details of 49 CFR as well as the documents called out in this Memo.

CC: Civil Rights Division, Small Business Development

Online links:

- **DBE Regular Dealer/Distributor Affirmation Form**
 - <https://www.transportation.gov/sites/dot.gov/files/2024-04/DBE%20Regular%20Dealer-Distributor%20Affirmation%20Form-Pending%20OMB%20approval%2004-17-2024.pdf>
- **TDOT Subcontractor Bid Quotes Form**
 - <https://www.tn.gov/tdot/tdot-construction-division/bid-lettings/2024-bid-lettings.html>
 - Bid Quotes form can be found on specific letting page
- Payment Instructions for AASHTOWare Project Civil Rights & Labor (CRL)
 - <https://www.tn.gov/content/dam/tn/tdot/construction/labor-compliance/Prompt%20Payment%20-%20Instructions%20for%20Payee.pdf>