

**New Jersey Department of Transportation**  
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



## ***Baseline Document Change Announcement***

### **Emerging Small Business Enterprise (ESBE) Utilization Attachment**

**BDC01S-2**

**March 14, 2001**

**Subject: Release of Emerging Small Business Enterprise (ESBE) Utilization Attachment for FHWA Funded Projects**

The Emerging Small Business Enterprise (ESBE) Utilization Attachment to the Special Provisions for FHWA Funded Contracts is issued for use in Department projects. When used, the ESBE will replace the Disadvantaged Business Enterprise (DBE) Utilization Attachment.

As directed by the Office of Affirmative Action and Civil Rights, the Emerging Small Business Enterprise Utilization requirement is designed to promote participation and share economic opportunity by smaller firms who qualify as ESBE's in NJDOT construction contracts and is undertaken pursuant to the authority contained in 23 CFR Part 26.

The following changes to the SI98 DOT2 are necessary in order to include the Emerging Small Business Enterprise Utilization Attachment:

UNDER "SPECIFICATIONS TO BE USED", INCLUDE THE FOLLOWING FOR FHWA FUNDED PROJECTS AND AFTER "STATE OF NEW JERSEY EQUAL EMPLOYMENT OPPORTUNITY FOR CONTRACTS FUNDED BY FHWA", ADD THE FOLLOWING:

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**INSERT THE EMERGING SMALL BUSINESS ENTERPRISE (ESBE) UTILIZATION ATTACHMENT. THE OFFICE OF AFFIRMATIVE ACTION AND CIVIL RIGHTS WILL DETERMINE IF THIS ATTACHMENT WILL BE INCLUDED. WHEN THE ESBE UTILIZATION ATTACHMENT IS TO BE USED, REMOVE THE DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION ATTACHMENT AND THE INCENTIVE PROGRAM, DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION ATTACHMENT.**  
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Emerging Small Business Enterprise Utilization Attachment, FHWA Funded Contracts, pages 1 to 7 inclusive, dated March 2001.

#### **101.02 Abbreviations.**

ADD THE FOLLOWING AFTER CRSI:

DBE Disadvantaged Business Enterprise  
ESBE Emerging Small Business Enterprise

## SECTION 103 – AWARD AND EXECUTION OF CONTRACT

### 103.02 Award of Contract.

THE LAST SENTENCE IN THE FIRST PARAGRAPH IS CHANGED TO:

For FHWA funded projects, Award of the Contract will not be made unless the lowest responsible Bidder has submitted an approved Affirmative Action Plan as specified in the Disadvantaged Business Enterprise Utilization Attachment or the Emerging Small Business Enterprise Utilization Attachment, FHWA Funded Projects, included in the Special Provisions.

### 107.08 Affirmative Action and Minority or Disadvantaged Business Enterprise.

THIS SUBSECTION HEADING IS CHANGED TO:

### 107.08 Affirmative Action and Minority or Disadvantaged Business Enterprise or Emerging Small Business Enterprise.

THE SECOND AND THIRD SENTENCES ARE CHANGED TO:

To this end, Affirmative Action and Minority or Disadvantaged Business Enterprise or Emerging Small Business Enterprise Programs have been developed. The Affirmative Action and Minority or Disadvantaged Business Enterprise or Emerging Small Business Enterprise regulations and requirements applicable to the Contract are contained in the Special Provisions for the Project.

### 108.02 Subcontracting.

ITEM 2. IN THE SECOND PARAGRAPH IS CHANGED TO:

2. The Contractor may deduct from the amount of work to be performed by its own organization the value of all Pay Items subcontracted to certified D/WBE firms indicated on the original DBE or ESBE Form A approved by the State.

### Distribution and Announcement Access Information

This announcement is being distributed electronically only to our in-house staff and various public agencies based on our Standard Specifications distribution list maintained by the Engineering Documents Unit.

Internet access to this BDC Announcement along with all necessary files and web links can be downloaded and viewed from the following New Jersey Department of Transportation Web Page: <http://www.state.nj.us/transportation/cpm/BaselineDocuments/bdcdownloads.htm>.

In-house staff can copy or view the above-mentioned files in the QM shared area on the NJDOT-FA-NTS7 server. To access this area, open Windows Explorer on an NJDOT Network Computer. Go to the drop down menu labeled **T**ools, and then pick **M**ap **N**etwork **D**rive. In the path box type in \\NJDOT-FA-NTS7\QM, then click on the OK button. All files are located in the QM\BDC Announcements\BDC 01 Folder.

Hard copies of this document can be acquired on a limited basis by contacting:

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Attachment: ESBE Utilization Attachment available upon request

BJS: KS: DES

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Superseded