

OFFICE OF COMPLIANCE AND INCLUSION (OCI)

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POINTS OF DISCUSSIONS:

- **1. Provisions of the Federal Programs**
- 2. Project Specific Goals
- 3. Required OCI Forms/Documents
- 4. Project Compliance Requirements
- 5. Fraud and Sanctions
- 6. OCI Website and Resources



1. PROVISIONS OF THE FEDERAL PROGRAMS

1a. 49 CFR PART 26 - DISADVANTAGED BUSINESS ENTERPRISE (DBE)

1b. 49 CFR PART 23 - AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)

1c. EFFECTIVE MARCH 2013:

SMALL BUSINESS ENTERPRISE (SBE) as an element of the DBE Program



2. PROJECT SPECIFIC GOALS

ACDBE Project Specific Goal



- ✓ Based on willingness, readiness and availability
- ✓ Certified ACDBE website:

http://www.dot.state.oh.us/dbe/Pages/UCP.aspx

NOTE: THE GOAL IS FOR ACDBEs ONLY



3. REQUIRED OCI DOCUMENTS

4a. Certified ACDBEs:

4a1. **B-3** (*DBE/ACDBE Participation Plan*)

4a2. **B-2** (*DBE/ACDBE Affidavit*)

4a3. **B-4A** (Letter of Intent to Perform as Subcontractor/Sub-consultant)

4b. Good Faith Effort

4c. Non-Certified ACDBEs:

- 4c1. **B-6** (*Non-DBE/SBE/ACDBE Participation Plan*)
- 4c2. **B-4B** (Letter of Intent to Perform as Subcontractor/Sub-consultant)



4d. Tier Subcontractors (i.e. 2nd/3rd...)

4d1. B-8 (2nd Tier/3rd Tier Subcontractor/Sub-consultant)
4d2. For ACDBE: B-2 and B-4A; For Non-ACDBE: B-4B

4e. Emergency Utilization of Sub-concessionaires

4e1. B-9 (Emergency Addition-Conditional Approval of Subcontractor/Sub-

consultant) - limited to 3 requests only

4E2. Revised ACDBE/Non-ACDBE forms whichever is applicable

4f. With ongoing projects, submit:

- 4f1. Revised ACDBE/Non-ACDBE forms
- 4f2. Copies of **ALL** sub-agreements/lease and POs



3a1. ENCLOSURE B-3 (ACDBE Participation Plan)

ENCLOSURE B-3

CERTIFIED DISADVANGTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) PARTICIPATION PLAN

Name of Prime Contractor		
Name of Project		
Project/Contract No	Total BASE Bid/Proposal Amount	

🕂 <mark>***A</mark>	l firms must pr	ovide FEDERA	AL TAX ID NUMBI	ER*** and m	ust complete and sign	a B-2 and I	B-4A form******
Na	me of CERTIFIED DBE/ACDBE	<u>Federal Tax ID</u> (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work
1.	ACDBE1	xx-xxxxxx	Xx Street City, State, Zip Code	Name	Check your NAICS Code	%%%	\$\$\$
2.	ACDBE2	XX-XXXXXX	Xx Street City, State, Zip Code	Name	Check your NAICS Code	%%%	\$\$\$
3.							
4.							
5.							
6.							
7.							
	Total DBE/ACDBE Dollars (%)						\$\$\$\$

The undersigned will enter into formal agreement with the certified DBEs/ACDBEs listed above for work in this schedule conditioned upon the award of a contract by the Cleveland Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date



3a2. ENCLOSURE B-2 (ACDBE AFFIDAVIT) 3a3. ENCLOSURE B-4A (INTENT TO PERFORM...)

Enclosure B2

(DBE/ACDBE AFFIDAVIT)

ENCLOSURE B-2

DBE/ACDBE AFFIDAVIT

THIS PAGE IS TO BE COMPLETED BY ALL DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) PROPOSED TO PARTICIPATE

ON THIS PROJECT.

I hereby declare and affirm that I am (company representative)

duly authorized representative of the

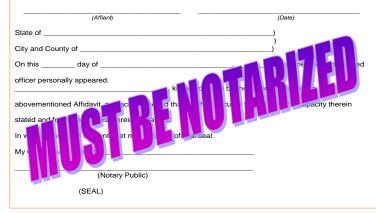
____ (name of corporation or joint venture) whose

and

address is ____

I HEREBY DECLARE AND AFFIRM THAT I AM A DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) AS DEFINED BY 49 CFR Part(s) 23 or 26. I WILL PROVIDE INFORMATION AND/OR THE CERTIFICATION TO DOCUMENT THIS FACT (<u>attach copy of certification)</u>.

I DO SOLEMNLY SWEAR OR DECLARE AND AFFIRM THAT THE CONTENTS OF THE FOREGOING STATEMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.



Enclosure B4-A

(Intent to Perform as Certified DBE/ACDBE)

	ENCLOSI		
LETTER OF	CONTRACTOR	AS A <u>CERTIFIED</u> DBE/ACDBE SUB- CONSULTANT	
This form is to be comp	contractors and 5	l Consultants and ALL certified DBE and ACOBE Sub-consultants, st Name	Sub-
	L.	ocation:	_
TO BE COMPLETED B	Y PRIME CONTRACTORICON	SULTANT	
Prime Contractor/Const	i tant		
(FEDERAL TAX ID - M	IUST PROVIDE		
I am the	and duly outhor	ized representative of the (firm of)	
	which int	tends to perform work for the above project	
operating as (strike out	ne (viqqe ton ob left snolllonoo	Inclvidual, a Company, a Corporation, organize	d
and existing under the b	aw of the State of	, or a Proprietorship, a Partnership, or Joint	
Venture consisting of:			
TO BE COMPLETED B DBE/ACDBE Subcontra	Y CERTIFIED SUB-CONTRAC	TORS/CONSULTANTS	
DBE/ACDBE Subcontra The firm I represent is a Enterprise which is curr certification date of following areas: (Please	ectors/consultants: Disadvantagod Businoss Enter antly certified by the Ohio Unifie	TORS/CONSULTANTS rprise/Airport Concession Disadvantaged Busine d Certification Program as DBC/ACDBC with a My firm is certified to perform work in the mick along with the NAI/CS Code for which your R	
DBE/ACDBE Subcontra The firm I represent is a Enterprise which is curr certification date of	ectors/consultants: Disadvantagod Businoss Enter antly certified by the Ohio Unifie	rprise/Airport Concession Disadvantaged Busine d Certification Program as DBE/ACDBE with a Monthm is partified to pedcent surver in the	
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DBE/ACDBE Subconfra The firm I represent is a Entroprise which is cur- certification date of following ansas: (Please certified): The undersigned is pre- (Specify in appropriate project only. Also, plea. 1. 2. 3. 4. 5. You have projected its completion disuch work	etars/consultants: Disadvantagod Businoss Enternety certified by the Onio Unife provide a description of <u>ALL</u> we provide a description of <u>ALL</u> we arred to perform the following di failuit genticular work terms or pa ep provide associated pricing wi Type of Work and terms a following commencement day cas follows (Do not leave fired)	rprise/Airport Concession Disadvantaged Busine d Certification Program as DBE/ACDBE with a My firm is certified to perform work in the prix along with the MAICS Code for which your R 	ect:



3b. GOOD FAITH EFFORT (49 CFR Part 26.53)

All solicitation documentations <u>must</u> be included with proposals upon submissions

[49CFR Part 26-Appendix A49 CFR 26.53(a)(2)]

ENCLOSURE B-5

Instructions: In the event a competitor is unable to cummit to full attainment of an established AC/DBC contract specific goal, a good faith efforts evaluation must be conducted by the Airport. All competitors must provide occumentation demonstrating all of the stops outlined below were taken in attempting to obtain AC/DBC participation. ALL GOOD FAITH EFFORT DOCUMENTATION MUST BE SUBMITTED AT THE TIME OF BID/PROPOSAL/QUALIFICATION. With the exception of the RFQ process, the Airport is not allowed to contact potential controctors/consultants prior to selection of the successful aidden/proposer regarding information submitted. If good faith efforts are not submitted at the time of aid/proposel the bidden/proposer will be decred <u>NON-COMPLIANT</u>.

- Whether the contractor stiencied any pre-solicitation or pre-bid meetings that were scheduled by the recipient to inform AC/DBEs of contracting and subcontracting opportunities.
- 2 Whether the contractor advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities;
- Whether the contractor provided written notice to a reasonable number of specific ACIDBEs, that their interest in the contract was being solicited in sufficient time to allow the ACIDBEs to participate effectively;
- Whether the contractor followed up initial solicitations of interest by contacting ACaDBEs to determine with certainty whether the ACaDBEs were interested;
- 5. Whether the contractor selected portions of the work to be performed by AC/DBEs in order to increase the likel hood of meeting the AC/DBE goals (including, where appropriate breaking down contracts into economically lessible units to facilitate AC/DBE participation).
- Whather the contractor provided interested AC/DBEs with adequate information about the plans, specifications and requirements of the contract;
- Whether the contractor negotiated in good faith with interested AC/DBEs, not rejecting AC/DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.
- Whether the contractor made efforts to assist interested AC/DBEs in obtaining bonding. Lines of credit or insurance required by the recipient or contractor; and
- 9. Whether the contractor effectively used the services of available minority community organizations; disadvantaged contractors' groups; local, state and Federal disadvantaged business essistance offices, and other organizations that provide assistance in the recruitment and placement of ACDEFs.

*PLEASE ATTACH ALL SUPPORTING DOCUMENTATION OF THE GOOD FAITH EFFORTS TO THE BID/PROPOSAL/QUALIFICATIONS. COMPETITORS WILL BE DETERMINED NON-COMPLIANT WITHOUT THE APPROPRIATE SUPPORTING GOOD FATH EFFORTS DOCUMENTATION.



3c1. ENCLOSURE B-6 (NON CERTIFIED DBE/ACDBE AND SBE PARTICIPATION PLAN)

ENCLOSURE B-6

NON-CERTIFIED DISADVANGTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (NON CERTIFIED DBE/ACDBE) AND SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION PLAN ****Bidders MUST make a Good Faith Effort to meet the established SBE Goal****

Name of Prime Contractor		
Name of Project		
Project/Contract No	Total BASE Bid/Proposal Amount	

All firms must provide FEDERAL TAX ID NUMBER and must complete and sign a B-4B form******

		Total NON CERTIFIED DBE/ACDBE Dollars (%)					\$\$\$\$	
*****	6.							
	5.							
	4.							
	3.							
	2.							
	1. NON-ACDBE1	xx- XXXXXX	Street City, State, zip	name	Based on project scope	%%%	\$\$\$	
	Name of CERTIFIED DBE/ACDBE	<u>Federal</u> <u>Tax ID</u> (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work (Non- Certified DBE/ACDBE)	

The undersigned will enter into formal agreement with the subcontractors listed above for work in this schedule conditioned upon the award of a contract by the Cleveland Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date



3c2. ENCLOSURE B-4B (LETTER OF INTENT TO PERFORM AS A NON-CERTIFIED DBE/ACDBE AND SBE SUBCONTRACTOR/SUB-CONSULTANT)

ENCLOSURE B-4B

LETTER OF INTENT TO PERFORM AS A <u>NON-CERTIFIED</u> DBE/ACDBE and <u>SBE</u> SUBCONTRACTOR/SUBCONSULTANT

This form is to be completed by Prime Contractors and Consultants and ALL <u>NON-CERTIFIED</u> DBE, ACDBE and **SBE** Subcontractors and Sub-consultants.

Project	
Name:	

Location:

TO BE COMPLETED BY PRIME CONTRACTOR/CONSULTANT

Prime Contractor/Consultant:

(Federal Tax ID Number – MUST PROVIDE_____

I am the ______ and duly authorized representative of the (firm of)

______, which intends to perform work for the above project operating as (*strike out conditions that do not apply*) an individual, a Company, a Corporation, organized and existing under the law of the State of ______, or a Proprietorship, a Partnership, or Joint Venture consisting of:

TO BE COMPLETED BY NON-CERTIFIED DBE/ACDBE/SBE SUB-CONTRACTORS/CONSULTANTS

Sub-Contractor/Consultant:

I am the ______ and duly authorized representative of the (firm of) ______, which intends to perform work for the above project operating as (*strike out conditions that do not apply*) an individual, a Company, a Corporation, organized and existing under the law of the State of ______, or a Proprietorship, a Partnership, or Joint Venture consisting of:

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows (<u>Do not leave the chart below blank</u>. Information is to be provided for <u>ALL procurements with the exception of RFQ's (task order) and concessions (revenue generating)</u>

projects. If the chart below has not been completed the form will be considered **INCOMPLETE** and will be returned and potentially delay the procurement process):

Type of Work and Items	Work Hours Involved	Projected Commencement Date	Projected Completion Date
1			
2			
3			
4	. <u></u> .		
5	·		
6			

REPRESENTATION TO UTILIZE 2ND/3RD TIER SUB-CONTRACTOR/CONSULTANTS

I further represent that ______ percent (____%) of the dollar value of my subcontract will be performed by 2^{nd} ____3^{rd}____ tier subcontractors and/or suppliers, which are: _____ certified / _____ not certified by the Airport as an Airport Concession/Disadvantaged Business Enterprise. (*Please provide* $2^{nd}\beta^{rd}$ *ier sub information on form* B-7).

NOTE: All sub-contractor/consultant agreements with certified and non-certified subcontractors/consultants must be provided to the Airport prior to issuance of the DBE/ACDBE/SBE Notice to Proceed (NTP). Delay in receipt of this information can directly impact the project timeline.

TO BE COMPLETED BY NON-CERTIFIED SUB-CONTRACTOR/CONSULTANTS

The undersigned sub-contractor/consultant will enter into a formal agreement for the above work with (prime contractor/consultant) conditioned upon the execution

of a contract with the Airport.

	Respectfully submitted, this		
	Day	, 20	
(NON-CERTIFIED DBE/ACDBE/SBE Firm Name) (Address)			
(Signature) (Name Typed) (Title)			

(SEAL IF PROPOSER IS A CORPORATION)



3d1. ENCLOSURE B-8 (ALL TIER SUB-CONCESSIONAIRES)

ENCLOSURE B-8

2ND/3RD TIER SUBCONTRACTOR/SUBCONSULTANT FORM

THIS FORM IS TO PROVIDE A LISTING OF ALL 2ND/3RD TIER SUB-CONTRACTORS AND SUBCONSULTANTS PERFORMING ON THE PROJECT. ALL SUBCONTRACTOR AGREEMENTS MUST BE PROVIDED PRIOR TO RECEIVING A DBE/ACDBE NTP (NOTICE TO PROCEED). DELAY IN RECEIPT OF THIS INFORMATION CAN DIRECTLY IMPACT PROJECT SCHEDULE.

DEFINITIONS

2¹⁰ TIER SUB-CONTRACTORS/CONSULTANTS-CONTRACTORS THAT CONTRACT DIRECTLY WITH THE 1ST TIER SUB-CONTRACTORS/CONSULTANTS-

3RD TIER SUB-CONTRACTOR/CONSULTANTS... CONTRACTORS THAT CONTRACT DIRECTLY WITH THE 2ND TIER SUB-CONTRACTORS/CONSULTANTS.

Na	ame of Prime Contract	tor							
Na	ame of Project					Total BASE	Bid Amount		
₽	*	**All firms must provi	de FEDERA	L TAX ID NU	JMBER AND CO	DPIES OF AGRE	EMENTS***		
<u>c</u>	<u>2nd/3rd Tier Sub-</u> ontractor/Consultant <u>Name</u>	<u>1ST TIER Sub-</u> <u>Contractor/Consultant</u> <u>W/Agreement w/ 2nd/3rd</u> <u>Tier</u>	Identify 2 nd Tier 3 rd Tier	CERTIFIED DBE/ ACDBE (YES / NO)	<u>Federal Tax</u> <u>ID</u> (must provide)	Address	Contact Person	Scope of Work	Total Dollar Amount
1.	Firm 1	Sub to Sub	1st	Yes	xx- <u>xxxxxxx</u>	Street City, State Zip	Point of Contact	Solicited Work (NAICS)	\$\$\$\$\$
2.	Firm 2	Sub to sub to sub	2nd	No	xx- <u>xxxxxxx</u>	Street City, State Zip	Point of Contact	Solicited Work	\$\$\$\$\$
3.	Firm 3	Sub to sub to sub to sub	3rd	No	xx- <u>xxxxxxx</u>	Street City, State Zip	Point of Contact		\$\$\$\$\$
4.			I						
5.									
6.									
7.									
								TOTAL DOLLARS	

The undersigned will enter into formal agreement with the subcontractors listed above for work in this schedule conditioned upon the award of a contract by the Cleveland International Airport.

Signature of Prime Contractor Representative	Email:	Telephone	Fax	Date



3e1. ENCLOSURE B-9 (EMERGENCY FORM)

Emergency Form <u>Requirements:</u>

- 1. Acquire prior approval before utilization of sub/s
- 2. Submit revised documents to add/exclude a sub
 - ✓ For ACDBE B-3, B-2, B-4A
 - ✓ Non ACDBE B6, B-4B
 - ✓ For Tier use forms accordingly

3. Limited to 3 requests only

APPROVAL WIL	BE GRANTED WITH	IN 24 HOURS OF	THE FORMAL REQU	JEST
PROJECT:	14,000,000	1. T. I.		
CONTRACT AMOUN	т:		- 1 E-12	
ST. WORK START	DATE:			1.
ST. COMPLETION	DATE:			
SUPPLIER ONLY:		YES/NO		
O THE DIRECTOR	OF THE CLEVELAND AIRF	PORT SYSTEM,		
RESPECTFULLY RE	EQUEST YOUR CONSENT	TO SUBLET THE FOL	LOWING WORK TO:	
UBCONTRACTOR	CONSULTANT TO PERFO	RM:		
EDERAL TAX ID:				
VORK TO BE PERFE	ROMED (ADD NAICS COD	ES):		
CONTACT PERSON:		1		
DDRESS AND PHO	NE NUMBER:			
SUB-SUB (ONLY FOR	R SUBS OF SUBS – PLEA	SE LIST ORIGINAL SU	BS NAME):	_
TIER: 1, 2 OR 3	BUBS OF SUBS – PLEA DBE CERTIFIED & CERTIFICATION DATE (YES/NO)	EST. START & COMPLETION DATE	PERCENTAGE (%)	TOTAL CONTRACT AMOUNT (\$)
	DBE CERTIFIED & CERTIFICATION DATE	EST. START & COMPLETION	PERCENTAGE	CONTRACT AMOUNT
	DBE CERTIFIED & CERTIFICATION DATE	EST. START & COMPLETION	PERCENTAGE	CONTRACT AMOUNT
	DBE CERTIFIED & CERTIFICATION DATE	EST. START & COMPLETION	PERCENTAGE	CONTRACT AMOUNT
TIER: 1, 2 OR 3 Y SIGNING THIS FC UBCONTRACTORS INCTURE THIS FO UBCONTRACTORS INCTURE THIS FORMS ARE COM FFICE WITHIN 5 DO FORMS ARE COM FFICE WITHIN 5 DO S3 FOR ADDITION.	DBE CERTIFIED & CERTIFICATION DATE (YES/NO) WRM, THE CONTRACTOR LISTED ABOVE WHO AR SOMMERCIALLY USEFUL THE DBE IS NOT PERFO SOMMERCIALLY USEFUL THE DBE IS NOT PERFO ZHETED & CONTRACTUA YE OF SIGNATURE. THI LAND BOARD OF CONTR REDERAL DAYS BAG INFORMATION. IF THI	EST. START & COMPLETION DATE LISTED BELOW HAS 1 E UTILIZED TOWARDS FUNCTION AS OUTLI WINING OR HAS NOT FINAL APPROVAL HIMEDIATELY NOTIFY FINAL APPROVAL LAGREEMENTS ARE S ADDITION MUST BE VANGE & HOURS TA	PERCENTAGE (%) ADDE ASSURANCES TH STHE FULFILLMENT OF ERFORMED A COMMER ERFORMED A COMMER ERFORMED A COMMER JUSICHE AND PROVIDES APPROVED BY THE ARE APPROVED BY THE ARE APPROVED BY THE ARE DUARDS ARE NOT COM	CONTRACT AMOUNT (\$) AT ALL A DBE GOAL WILL A DBE GOAL WILL A DBE GOAL WILL IS FINDINGS. THA TO THE EBED TO THE EBED TO THE EBED FORT DIRECTOR OF OHIO
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5a. Contract Clause: Assurance Language Inclusion

Title 49/Subtitle A/§ 23.9

"This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR part 23."

Applied to ALL!

(Prime Concessionaire, ALL Tier sub-lease either certified and non-certified ACDBE)



4b. B2GNow Payments Compliance Reporting

A.What to do?

- 1. Go to <u>Website: htpps://Cleveland.diversitycompliance.com/Default.asp</u>)
- 2. Monthly Audit
- 3. Subs Payment verifications
- 4. Upload or e-mail supporting documents (i.e. invoices and cancelled checks

B. Not sure what to do? Training! Training! Training!





4d: ADDITIONS/SUBSTITUTIONS/EXCLUSIONS OF SUBCONTRACTORS/CONSULTANTS /CONCESSIONAIRES

✓ <u>49 CFR Part 26.53:</u>

- 1. Require **PRIOR APPROVAL**
 - Letter of justification from Prime
 - Letter of approval from OCI
- 2. Good Faith Effort applied

AND...

Submit:

- 1. Revised corresponding forms
- 2. Sub-agreements/lease

City of Cleveland

SUB-CONTRACTOR ADDITION & SUBSTITUTION POLICY

EFFECTIVE November 1, 2011

The Policy and Procedure for sub-contractor Addition and Substitution will be enforced throughout The City of Cleveland.

All sub-contractor Addition and/or Substitution request must be approved by the Board of Control **prior** to commencement of work and or services.

Note: The City assumes no obligation to pay, and *will not* pay a contractor for any work and or services performed by a sub-contractor on the contract prior to Board of Control approval of that sub-contractor.

Questions: Contact your Project Manager, the Division of Purchasing & Supplies or the Office of Equal Opportunity.

Division of Purchasing Supplies: 216-664-2620

Department of OEO: 216-664-4152

The complete Subcontractor Addition and Substitution Policy is available on-line at http://www.city.cleveland.oh.us

Click on Doing Business with the City under the BUSINESS drop-down menu.



Regulation

http://www.dol.gov/whd/regs/compliance/whdfs66.pdf

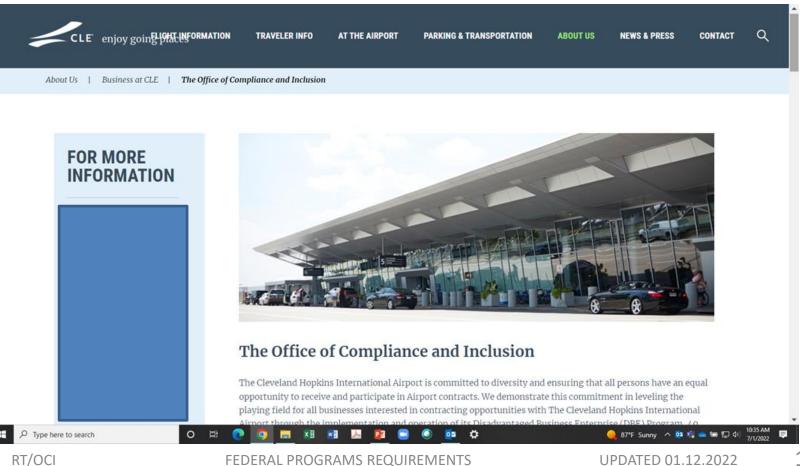
- 1. Contract payments withheld under CWHSSA
- 2. Grounds for contract termination
- 3. Contractor liability for any resulting costs to the government
- 4. <u>Debarment</u> from future contracts for a period up to three years

OCI is providing ALL the information as a public service. This information and related materials are presented to give the public access to information on Department of Transportation and Department of Labor programs.



6. OCI WEBSSITE AND RESOURCES

https://www.clevelandairport.com/about-us/business-cle/office-of-complianceand-inclusion



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OCI Requirements



Written questions - send to designated Procurement Officer