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TO: Director, Preliminary	ENGINEERING INSTRUCTION NEW YORK STATE DEPARTMENT OF TRANSPORTATION
	SUBJECT: APPROVAL OF SUBCONTRACTORS Subject Code: 7.30
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EI 75-20</u> Date: <u>2/24/75</u> Supersedes: MODIFIES EI 75-011 DATE 1/29/75
APPROVED:  Deputy Chief Engineer (Construction)	

This Instruction serves to clarify the intent of Engineering Instruction 75-11 in terms of its applicability to ongoing and new contracts, as follows:

1. The requirements to document contacts with the Office of Minority Business Enterprise and subsequent actions prior to Regional approval of subcontractors only apply to new projects which contain the specified Special Note in the Proposal. It would not be reasonable to require such action after the fact to ongoing projects in view of the usual contractor-subcontractor relations and informal or formal commitments prior to bid. Nevertheless, on ongoing projects, a contractor may be found to be in non-compliance with his existing EEO Requirements if he has not made every reasonable effort, as prescribed therein, to utilize minority group subcontractors.
2. The reporting requirements per forms HC 89c and FHWA 1405 apply to all subcontractors approved after the effective date of EI 75-11, whether on ongoing projects or new projects.

In response to certain questions raised regarding the limited time period between advertising and bid to solicit minority subcontractors from the O.M.B.E., please note the following:

- a. Such solicitation from various sources has been a requirement in existing EEO regulations and the O.M.B.E. is basically another, though prescribed, source.
- b. There is no reason why contractors cannot determine the availability and qualifications of minority subcontractors well in advance of their interest in submitting bids on a specific project. This should be a matter of continuing concern relative to their general conduct of business with the State on highway construction projects. Once the general investigations have been completed, the updating of the file and appropriate contacts relative to a specific bid should require a minimal amount of time.