







**Table C  
(Suggested Language)**

Situation (Based on Table A or B)	Suggested Language
<p><b>Agency must notify contractor that the contract containing MBE/WBE requirements cannot be executed.</b></p>	<p><i>Contract XX-XXX cannot be executed. A recent decision by the U.S. Ninth Circuit Court of Appeals (<u>Monterey Mechanical</u>), which became final on March 9, 1998, has held that the statutory requirements for MBE and WBE goals and good faith efforts are unconstitutional. As a result, this contract will be rebid without these MBE and WBE requirements. (DVBE requirements remain unchanged. The efforts you made toward meeting the DVBE requirement may be submitted with your response to the new solicitation.)</i></p>
<p>Agency must send out an addendum to all holders of the current bid/solicitation package informing them the MBE and WBE requirements are being deleted.</p>	<p><i>A recent decision by the US Ninth Circuit Court of Appeals (<u>Monterey Mechanical</u>), which became final on March 9, 1998, has held that the statutory requirements for MBE and WBE goals and good faith efforts are unconstitutional. This addendum deletes all MBE and WBE requirements. (DVBE requirements remain unchanged, and the efforts you made toward meeting the DVBE requirement may be submitted with your new response.) The final response due date is/is not [agencies must choose one] being extended.</i></p>