

COMMONWEALTH OF MASSACHUSETTS
STANDARD FORMS
FOR
SUBCONTRACTOR PREQUALIFICATION

(Pursuant to M.G.L. c. 149A, § 8 and 810 CMR 10.00)

REQUEST FOR QUALIFICATIONS
and
STATEMENT OF QUALIFICATIONS



City of Peabody, Massachusetts
Public Safety Headquarters

6 Allens Lane
Peabody, MA 01960

INDEX

Part One: Request for Qualifications

- Section I:** *General Project Information*
- Section II:** *Detailed Project Description*
- Section III:** *General Instructions*
- Section IV:** *Overview Of Prequalification Process*
- Section V:** *Administration / Schedule For Prequalification Process*
- Section VI:** *Evaluation Procedure/Criteria For Prequalification Selection*
- Section VII:** *Additional Information*

Part Two: SOQ Application Forms/Schedules *(to be completed by Subcontractor)*

Sub SOQ Form 1: *RFQ Interest Form*

Sub SOQ Form 2: *SOQ Application Form*

- Schedule A:** *Business Owner Information*
- Schedule B:** *Management Personnel Information*
- Schedule C:** *Similar Project Experience*
- Schedule D:** *Terminations*
- Schedule E:** *Legal Proceedings*
- Schedule F:** *Safety Record*
- Schedule G:** *Project References*
- Schedule H:** *Credit References*
- Schedule I:** *Public Project References*
- Schedule J:** *Prior Revenue*
- Schedule K:** *Revenue Under Contract*

Sub SOQ Form 3: *RFQ Response Checklist*

Part One: RFQ Summary

Section I: Project Information

A. General Information

Awarding Authority:	City of Peabody, Massachusetts
Project No.:	none
Project Name:	Public Safety Headquarters
Project Location:	6 Allens Lane, Peabody MA 01960
Project Description:	City of Peabody Public Safety Headquarters
RFQ Informational Meeting (if applicable):	<i>Not Applicable</i>
Optional Site Visit (if applicable):	<i>Not Applicable</i>
Submission Deadline: (for submission of SOQs in response to this RFQ)	October 23, 2024 11:00 AM
Submission Address:	City of Peabody Daniel B. Doucette, City Purchasing Agent Peabody City Hall 24 Lowell Street Peabody, MA 01960
Estimated Construction Cost:	\$ 55,100,000
Estimated Project Duration:	600 days (<i>Estimated</i>)
Owner's Project Manager:	Construction Monitoring Services, Inc. 270 Main Street Marlborough, MA 01752 (508) 786-0600
Project Architect:	Tecton Architects 34 Sequassen Street, Suite 200 Hartford, CT 06106
Construction Manager at Risk:	W.T. Rich Company, Inc. 1075 Worcester Street, Suite 310 Natick, MA 01760
Project Specific Requirements - Peabody Public Safety Headquarters	Responsible Employer Ordinance - City of Peabody

B. Subtrades Subject to Prequalification

This RFQ is to prequalify Subcontractors in accordance with M.G.L. c. 149a, § 8 and 810 CMR 10.00.

Subcontractors in the following trades will be prequalified for this Project

"X" Below Shows Trades Subject to Prequalification	Section #	Trade Category	Estimated Construction Cost for Subtrade
<input checked="" type="checkbox"/>	04101	Masonry	\$ 4,162,000
<input checked="" type="checkbox"/>	05101	Miscellaneous and Ornamental Iron	\$ 910,000
<input checked="" type="checkbox"/>	07101	Waterproofing, Damproofing and Caulking	\$ 596,000
<input checked="" type="checkbox"/>	07501	Roofing & Flashing	\$ 1,804,000
<input checked="" type="checkbox"/>	08001	Metal Windows	\$ 1,475,000
<input checked="" type="checkbox"/>	08801	Glass and Glazing	\$ 101,000
<input checked="" type="checkbox"/>	09001	Ceramic Tile	\$ 307,000
<input checked="" type="checkbox"/>	09002	Acoustical Tile	\$ 530,000
<input checked="" type="checkbox"/>	09003	Resilient Floors	\$ 296,000
<input checked="" type="checkbox"/>	09004	Painting	\$ 492,000
<input checked="" type="checkbox"/>	09005	Terrazzo	\$ 89,000
<input checked="" type="checkbox"/>	14001	Elevators	\$ 191,000
<input checked="" type="checkbox"/>	21000	Fire Protection	\$ 584,000
<input checked="" type="checkbox"/>	22000	Plumbing	\$ 1,497,000
<input checked="" type="checkbox"/>	23000	Heating, Ventilation & Air-Conditioning	\$ 4,560,000
<input checked="" type="checkbox"/>	26000	Electrical	\$ 6,257,000

Section II: Detailed Project Description

The proposed project will include construction of a new public safety headquarters, comprised of a Police Station, Fire Department administrative offices and Emergency Operations Center. Total size of approximately 51,000 GSF on three levels, and will include the following components:

- Police Administration & Departmental / Division Offices
- Centralized Dispatch
- Vehicular Maintenance Area
- Detention Area
- Evidence Storage
- Officer Training & Support – Fitness, Locker Facilities, Firearms Training
- Emergency Operations Center / Community Room
- Fire Department Administrative Offices
- Public Spaces – Licensing, Permitting

Construction is anticipated to be a steel framed structure with concrete foundations. Exterior components will feature masonry elements, metal panels, metal windows and glazed curtain walls. Interiors will be comprised of traditional gypsum partitions, masonry partitions and associated finishes. The proposed site is located at 6 Allens Lane in Peabody, behind the existing Police Station, and adjacent to the Higgins Middle School (See site aerial at right).



Figure 1 – Project Area

The Peabody Police shall require for this Project criminal offender record information (“CORI”) from the Criminal History Systems Board for workers employed under the Contract. Any worker or manager who is on the project will have to have a CORI check performed and approved prior to being granted any site access.

All Subcontractors shall comply with MGL c. 149, 26-27H and the Prevailing wage schedule issued for this project as will be included in the bid documents for the various Filed Sub Trades. This includes all weekly payroll records, statement of compliance reporting and submittal of Apprentice documentation for certain workers as may be employed in applicable trade work.

Pursuant to M.G.L. c. 30, §39S(a)(2), all employees on the Project must have successfully completed a course in construction safety and health approved by OSHA and of at least 10 hours in duration. All Trade Contractors on the Project will also be required to provide written certification of compliance with applicable workforce related laws, including, Executive Order 481, Federal Department of Homeland Security Requirements, and laws relating to worker classification, workers’ compensation, and laws related to taxes and insurance.

Section III: General Instructions

In response to this *RFQ*, interested Subcontractors are required to submit a *Statement of Qualifications* (“SOQ”) application package as follows:

A. Contents Of *Statement Of Qualifications* Application Package

The required *SOQ application package* consists of the following:

1. *Sub RFQ Form 2*
2. *Schedules A through K to Sub RFQ Form 2;*
3. all supporting documentation referenced and required therein; and
4. required number of copies of items 1-3 above.

B. Submission Deadline: See *Section I: General Information*

An original printed copy, plus one electronic copy of the interested Subcontractor’s *SOQ* application package must be received by the Awarding Authority on or before the Submission Deadline as set forth in *Section I*, as determined by the Awarding Authority’s date/time stamp. Electronic copy shall be provided on a secure flash drive with a searchable electronic PDF file of the printed materials.

RFQ Documents and any subsequent addenda will be available on the City of Peabody website www.peabody-ma.gov (click on “Departments”; then “Purchasing”). Hard copies of addenda will not be mailed or faxed. It shall be the sole responsibility of the proposer to ascertain the existence of any and all addenda, whether or not the addenda are presented, or received by the Bidder.

In preparing the electronic copy, please separate confidential information (not subject to public disclosure, such as Audited Financial Statements and DCAMM Update Statements) in separate PDF files.

All envelopes or packages shall be mailed or delivered to:

City of Peabody Daniel B. Doucette, City Purchasing Agent Peabody City Hall, Lower Level 24 Lowell Street Peabody, MA 01960

SOQ application packages received by the Awarding Authority later than the Submission Deadline specified in Section I will be rejected and returned to the respondent Subcontractor. Respondent Subcontractors are cautioned to allow sufficient time for mailed materials to be received. Telecopied, faxed, or e-mailed qualifications will not be accepted. Awarding Authority shall not be responsible for mail not received, deliveries not made, or SOQ application packages not received by the date and time set forth in Section I.

C. Required Exterior Label For SOQ Application Package

SOQs shall submitted in a sealed package. The materials **must be labeled on the outside** with the following information:

RFQ for Subcontractor Services
Awarding Authority: City of Peabody
Project Name: Peabody Public Safety Headquarters
Respondent Subcontractor's Trade:
Respondent Subcontractor's Name:

D. RFQ Informational Meeting (if applicable)

No informational meeting is planned as part of this RFQ.

E. Optional Site Visit

No Site visit is planned as part of this RFQ.

F. Review/Availability Of Contract Documents

RFQ materials received will not be read publicly. A list of respondents shall be produced by the City.

Drawings, specifications and other documents will not be available to respondent Subcontractors during the *RFQ* Phase.

RFQ Documents and any subsequent addenda will be available on the City of Pebody website www.peabody-ma.gov (click on "Departments"; then "Purchasing"). Hard copies of addenda will not be mailed or faxed. It shall be the sole responsibility of the proposer to ascertain the existence of any and all addenda, whether or not the addenda are presented, or received by the Bidder.

G. General Contractor Prequalification

The Project will not require prequalification of General Contractors. The Construction Manager at Risk Delivery Method is being utilized for this project. W.T. Rich Company has been retained by the City of Peabody, and will serve as the Construction Manger at Risk for this project.

H. Additional Instructions

See *Section VII: Additional Information* for additional instructions regarding the prequalification process.

- I. Respondents are advised that the City of Peabody has adopted a Responsible Employer Ordinance. All contractors who enter into an agreement for this project, regardless of tier, will be required to meet the requirements of this ordinance.

Please reference attached copies of the Ordinance and the Certification Form which will be required to document compliance with provisions of the Ordinance at the time of bid.

Section IV: Overview Of Prequalification Process

- This *Request for Qualifications* (“RFQ”) is issued pursuant to M.G.L. c. 149A, § 8. Firms interested in providing Subcontractor services for the construction of the project described in *Section I and Section II* (“the Project”) MUST submit a *Statement of Qualifications* (“SOQ”) in response to this RFQ to the Awarding Authority as instructed in *Section III* and *Section VIII*, herein.
- The Subcontractor selection process for this Project is a two-phase process as set forth in M.G.L. c. 149A, § 8. The project delivery method for construction will be under M.G.L. c. 149A. The Awarding Authority is prequalifying firms interested in providing Subcontractor services for the Project through this RFQ prequalification process.

***** **IMPORTANT NOTICES** *****

Participation in the RFP Bidding Phase of this Project will be limited to ONLY those Subcontractor firms who have submitted a SOQ (and required supporting documentation) in response to this RFQ and that have been deemed prequalified by the Awarding Authority. Subcontractors that fail to respond to this RFQ and submit a SOQ with the required supporting documentation by the Submission Deadline set forth in Section I and Subcontractors that have not been deemed prequalified by the Awarding Authority shall be automatically disqualified from bidding on this Project.

The Awarding Authority is prequalifying the Indicated Trade Subcontractors for this Project. Therefore, responses to this RFQ will be considered ONLY for the prequalification of Trade Contractors that, if deemed prequalified will be invited to submit a bid pursuant to M.G.L. c. 149A, Section 8. Any contractor seeking to be prequalified as a Trade Contractor in multiple Trade Bid categories shall be required to file separate responses for each category for which it seeks prequalification.

***** **IMPORTANT NOTICES** *****

Section V: Administration/Schedule For Prequalification Process

A. **“Two-Phase” Selection Process**

Selection of Subcontractors for the Project will be conducted in a two-phase process as set forth in M.G.L. c. 149a. Subcontractor firms must first be prequalified in the *Phase One – RFQ/Prequalification Phase* in order to bid on the Project in *Phase 2 – RFP/Bidding Phase*.

1. **Phase One – RFQ/Prequalification Phase**

- **Submission Of *Statement Of Qualifications* (“SOQ”)** - Interested Subcontractor firms must submit a completed *SOQ*; completed *Schedules A through K*, and all required supporting documentation referenced therein in response to this *RFQ* by the *Submission Deadline* set forth in *Section I*.
- **Prequalification Committee** –The Awarding Authority has appointed a *Prequalification Committee* to review and evaluate the *SOQs* (and supporting documentation) submitted by interested Subcontractors. The *Prequalification Committee* shall consist of one (1) representative from the Project Designer, one (1) representative from the Construction Manager and two (2) representatives from the Awarding Authority.
- **Evaluation By Prequalification Committee** - The *Prequalification Committee* shall meet as necessary to evaluate and review the *SOQs* (and supporting documentation) submitted by each respondent Subcontractor firm in accordance with the evaluation criteria set forth in *Section VI*.
- **Notice To Respondent Subcontractors** – The Awarding Authority anticipates concluding the *RFQ* evaluation and review process within the time set forth in *Section V(B) herein*. Upon completion of the evaluation and review process described herein, the *Prequalification Committee* shall provide written notice to all respondent Subcontractors as to whether they are deemed prequalified or not. Prequalified Subcontractor firms shall also be invited to participate in *Phase Two*, the RFP/Bidding Phase of the Subcontractor selection process.

2. **Phase Two – RFP/Bidding Phase**

- Subcontractor firms determined in *Phase One* by the *Prequalification Committee* to be prequalified will be invited to bid on the Project. **Only firms deemed prequalified during Phase One – RFQ/Prequalification Phase will be permitted to participate in Phase Two, the RFP/Bidding Phase. Firms that are not prequalified by the Prequalification Committee and firms that do not participate in the RFQ phase will be precluded from participating in Phase Two - the RFP Bidding/Phase.**

B. **Anticipated Schedule For Prequalification/Bidding**

Anticipated Completion of Prequalification Evaluations:	December 15, 2024
Anticipated IFB to Prequalified Bidders:	December 15, 2024
Anticipated Notice To Proceed:	March 1, 2025
Anticipated Construction Schedule:	Completion November 2026

Section VI: Evaluation Procedure/Criteria For Prequalification Selection

A. Sources of Information Considered

Respondent Subcontractors must submit documentation for the four (4) statutory evaluation criteria categories listed herein. Prequalification will be based on the submitted information and materials as well as information on prior project performance, information obtained from references, information obtained from governmental agencies and entities, information contained within DCAMM's certification files, and such other information as may be obtained relating to the evaluation criteria categories. The *Prequalification Committee* may also request and review additional information as necessary to clarify or supplement the information provided to or obtained by the Awarding Authority.

Do not include superfluous material. You must include the *SOQ Response Form, Sub RFQ Form 2* and *Schedules K through J* attached hereto. You must give complete and accurate answers to all questions and provide all of the information requested. Making a materially false statement in this SOQ submission is grounds for rejection and debarment.

B. Evaluation Procedure

As set forth herein and in accordance with M.G.L. c. 149a, the Awarding Authority has established a *Prequalification Committee* for the purpose of reviewing and evaluating responses to this *RFQ*. The *Prequalification Committee* shall evaluate interested Subcontractors based on the evaluation criteria set forth herein and assign points for each evaluation criterion category and subcategory provided herein. The *Prequalification Committee* shall prepare a written evaluation score form for each respondent Subcontractor that provides a composite point rating and a specific point rating for each of the evaluation criterion set forth in M.G.L. c. 149a and herein. The *Prequalification Committee* shall only prequalify those Subcontractor firms that have achieved the minimum points required in each category set forth herein and a minimum total score of seventy (70) points.

Only Subcontractor firms achieving the minimum score required in each evaluation category set forth herein, as well as a minimum total score of seventy (70) points overall shall be prequalified and invited to submit bids consistent with M.G.L. c. 149a. An interested Subcontractor's score shall be made available to the Subcontractor upon request.

The decision of the *Prequalification Committee* shall be final and shall not be subject to appeal except on grounds of fraud or collusion.

C. Criteria For Prequalification

SOQs must be submitted on the *Sub RFQ Form 2* attached hereto. Interested Subcontractors submitting a SOQ and supporting information in any other form will not be prequalified. The *Prequalification Committee* shall review and evaluate the information submitted by interested Subcontractors in accordance with the statutory point scheme set forth in M.G.L. c. 149A, § 8.

Also in accordance with § 8, this RFQ sets forth the available points for each evaluation sub-category in order to provide interested Subcontractors prior notice of the points available in each sub-category.

1. **Management Experience - (50 points available in this category; minimum of 25 points required in this category for prequalification approval)**
 - a. **Business Owners:** Provide the name, title, including a detailed description of the role and job responsibilities, scope of work and numbers of years with the firm for each of the business owner(s) of the firm. If the respondent Subcontractor is a partnership, **YOU MUST** provide the requested information for each general and limited partner. If the respondent Subcontractor is a corporation or limited liability company, **YOU MUST** provide requested information for each officer, director and/or member. (4 points available)
 - b. **Management Personnel:** Provide the name, title, including a detailed description of the role and job responsibilities, scope of work, education, construction experience, years with the firm and list of all projects completed for all management personnel who will have any direct or indirect responsibility over the Project, including but not limited to project executives, project managers, field superintendents and field engineers. Prior experience of the management team with public safety (police/fire) projects should be identified (5 points available).
 - c. **Similar Project Experience:** Provide project name(s), description, scope of work, original contract sum, final contract sum with explanation, and date of completion for each and every similar project undertaken by the firm in the last **seven (7)** years. **For purposes of this RFQ, “similar projects” shall mean public safety construction projects of similar size and/or complexity. Relevant public safety construction project experience should be included / identified in your response as applicable.** (25 points available)
 - d. **Terminations:** Provide a list of any projects on which the firm was the Subcontractor and was terminated, held in default, or failed to complete the work. Include the name of the project, the timeframe of the project and circumstances surrounding the termination or default. (3 points available)
 - e. **Legal Proceedings:** Provide information regarding each and every legal proceeding, administrative proceeding and arbitration pending against the Subcontractor. In addition, provide information regarding each and every legal proceeding, administrative proceeding or arbitration concluded adversely to the Subcontractor within the past three (3) years, which relate to procurement or performance of any public or private construction contract. (6 points available)
 - f. **Safety Record:** Provide the three (3) year history of Subcontractor’s workers’ compensation experience modifier. In addition, provide documentation from the Subcontractor’s insurance carrier supporting the rating history provided. (7 points available)

2. References - (30 points available in this category; minimum of 15 points required in this category for prequalification approval)

- a. **Project References:** Provide reference information for owners and architects for each and every project listed in your response to *Section VI(C)(1)(c)*. Information provided shall at least include project name and the names of the owners and architects, with current address, current telephone and email and contact person for each. **Please only include a minimum of 5 and limit of 10 references ONLY.**
(24 points available)

Note: The Prequalification Committee may also consider project reference information and project evaluations obtained from the Update Statement, DCAMM's certification files, outside reference sources and information provided in response to *Subsection 2(c)* herein.

- b. **Credit References:** Provide a minimum of five (5) credit references, including the telephone and fax numbers of a contact person from key suppliers, vendors and banks. (2 points available)
- c. **Public Project Record:** Provide a list of all completed public Headquarters construction projects (as defined by M.G.L. c. 149, § 44A) worked on during the past three (3) years with the project name, scope of work, contract value, start date, completion date, status of the project, owner's name (including address, telephone number, fax number, and contact person) and architect's name (including address, telephone number, fax number and contact person). (4 points available)

3. Capacity to Complete Projects - (20 points available in this category; minimum of 10 points required in this category for prequalification approval)

- a. **Prior Revenue:** Submit the prior annual revenue for the last three (3) fiscal years. (10 points)
- b. **Revenue Under Contract:** Submit revenue under contract for the next three (3) years. (10 points total) . *Evaluated on on future revenue under contract (7 points) and future projected capacity (3 points).*

4. Mandatory Requirements - (no points assigned)

- a. **Bonding Capacity:** Interested Subcontractors must provide a commitment letter (from a surety company licensed to do business in the Commonwealth of Massachusetts and whose name appears on the United States Treasury Department Circular 570) for payment and performance bonds in an amount equal to or greater than one hundred percent (110%) of the estimated construction cost for the subtrade that the Subcontractor is seeking prequalification as set forth in *Section I*.

- b. DCAMM Certification:** Interested Subcontractors must provide a currently valid *Certificate of Eligibility* issued by DCAMM to the Subcontractor pursuant to M.G.L. c. 149, § 44D.
- c. Update Statement:** Interested Subcontractors must provide a current and completed Update Statement prepared by the interested Subcontractor.

[THIS SPACE IS INTENTIONALLY BLANK]

Section VII follows

Section VII: Additional Information

A. Status Of Request For Qualifications

This *RFQ* is solely a request for information. It does not represent an offer nor does it confer any rights on any respondent party. The Awarding Authority shall not be responsible under any circumstances for any costs incurred by any respondent Subcontractors to this *RFQ*. The Awarding Authority reserves the right to cancel this procurement at any time if it is in its the best interest to do so.

B. Communication Between Awarding Authority and Respondent Subcontractors

Unauthorized communications or contact between Subcontractors, their employees, agents or other related entities interested in submitting a *SOQ* and the Awarding Authority, the Owner's Project Manager, the Peabody Fire or Police Departments, the project designer, the Construction Manager at Risk firm, or any member of the *Prequalification Committee* with regard to the Project are strictly prohibited.

From the date of release of this *RFQ*, any party seeking to be prequalified that contacts directly or indirectly any member or employee of the Awarding Authority, the Owner's Project Manager, the Peabody Fire or Police Departments, the project designer, the Construction Manager at Risk firm, or any member of the *Prequalification Committee* in connection with the selection process or the contract contemplated herein for this project is subject to disqualification.

The only authorized communications shall be inquiries to the Awarding Authority for general information about obtaining the *RFQ*, *RFQ* submission deadlines, and the existence of any relevant addenda to the *RFQ*.

Third parties (considered as any party not intending to submit a response to this *RFQ* or otherwise as would be determined by the City of Peabody) that seeks to present information concerning any aspect of this prequalification process or specific parties at interest are hereby directed to file written communication with the City of Peabody by email to: purchasing@peabody-ma.gov and such matters will be taken under advisement by the City. The City of Peabody has the sole discretion to consider the information presented by third parties, and such information is subject to disclosure to a specific firm or individual as may referred to in such information.

Any issues brought to the Awarding Authority's attention during the time *RFQ*'s are being solicited, as submitted pursuant to section herein titled "Request for Interpretation" or from third parties, which the Awarding Authority determines will require additional clarification, will be addressed by issuing a written addendum. Oral and other clarifications will be without legal effect. Any addenda will be considered part of this *RFQ*, and a respondent Trade Contractor shall be required to acknowledge receipt of all addenda on the *RFQ* Proposal Response Form attached to this *RFQ*. It shall be the sole responsibility of any interested party to ascertain the existence of any and all addenda issued by the Awarding Authority pertaining to contractor prequalification.

If no Addendum is issued, any blank area on any form used in the *RFQ* pertaining to an Addendum shall be left BLANK.

C. Requests for Interpretation

Parties seeking clarification or interpretation of this RFQ shall do so only by written request to the City Purchasing Department, email to: purchasing@peabody-ma.gov

All requests filed on or before NOON, Wednesday October 16, 2024 shall be reviewed and considered for response. No oral instructions shall be binding upon the City of Peabody unless confirmed in writing by Addendum in the manner set forth below. DO NOT contact the Owner’s Project Manager or Designer on this RFQ process.

Note: there will be no “RFQ Informational Meeting” associated with this solicitation.

Requests which, in the opinion of the City, require an interpretation, correction or change in the RFQ Documents shall be responded to in the form of an Addendum. Contents of all Addendum shall be incorporated into the Contract.

Addendum will be issued to each party on record at the Office of the Purchasing Agent as receiving the RFQ materials. Addendum may be mailed, issued by FAX, issued by hand or electronically, as determined by the City of Peabody to be the most expeditious method for distribution.

D. Treatment Of Information Submitted

With the exception of required audited financial statements, the Awarding Authority shall have no obligation to treat any information submitted by an interested Subcontractor in or in connection with a SOQ as proprietary or confidential unless the Awarding Authority determines that the information legitimately requires such treatment. In such case, the Awarding Authority’s obligation with respect to protection and disclosure of such information shall at all times be subject to applicable laws. The Awarding Authority shall have the right to use all or portions of the SOQ, as it considers necessary or desirable in connection with the Project. By the submission of a SOQ, the respondent thereby grants to the Awarding Authority an unrestricted license to use the SOQ, including all materials submitted therewith, in connection with the project.

Requirements of the Massachusetts public records law and/or the laws and regulations pertaining to the Prequalification process at M.G.L. c. 149A, § 8 and 810 CMR 10.00 shall govern, concerning any information released concerning any applicant requesting prequalification for this Project.

ATTACHMENTS

City Ordinance 11-140 “Responsible employer ordinance pertaining to projects with a total cost of \$ 250,000 or more”

Ordinance Certification Form

Part Two: Sub RFQ Form 1 follows

Sec. 11-140. - Responsible employer ordinance pertaining to projects with a total cost of \$250,000.00 or more.

- (a) The City Council hereby finds and determines that taxpayer money is most efficiently and productively spent by awarding construction contracts to firms that include and enforce provisions requiring compliance with state laws governing the payment of prevailing wages, the provision of workers, compensation coverage, and the proper classification of individuals as employees and not as independent contractors, as well as state law concerning health insurance coverage and state certified apprenticeship programs. The City Council hereby further finds and determines that it is appropriate for it to exercise entrepreneurial discretion by requiring firms that are awarded such contracts to comply with this ordinance because a failure to comply is injurious to the life, health and happiness of individuals employed by such firms and is deleterious to the quality of life in the City where most of such individuals reside.
- (b) Whenever the City of Peabody is procuring construction services subject to the provisions of G.L. chapter 149 and chapter 149A the following shall be incorporated into the procurement documents and made part of the specifications and contract. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.
- (c) All bidders or proposers and all subcontractors and trade contractors, including subcontractors that are not subject to G.L. c. 149, §44F, under the bidder for projects subject to G.L. c. 149, §44A(2), and proposers under G.L. c. 149A, shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a subcontract at any tier, that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:
- (1) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must comply with the obligations established under G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees;
 - (2) In order to ensure efficient use of taxpayer dollars, minimize waste, and promote worker safety and fair treatment of workers, the City finds it necessary to ensure that contractors and subcontractors engaged to perform work on the City's behalf participate in the training of apprentices in the respective trades. Moreover, it is important to help ensure the continued presence of the skilled, trained workers who will be necessary to work on City construction over the next decade;
Therefore the bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must certify that at the time of bidding that it/they maintain or participate in a Bona Fide Apprentice Training Program ("BFATP"). A BFATP is one that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for at least three of the past five years. To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying that it participates in a BFATP for each trade or classification listed. If the firm participates in a recently formed apprenticeship program for a trade or craft it employs, it may satisfy the training requirement of this certification by providing documentation showing that the program in which it participates: (i) has been established within the past five years; (ii) is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency; and (iii) provides bona fide apprenticeship training to participants and is in compliance with the standards and requirements applicable to registered apprenticeship programs under 29 C.F.R. 29, including the requirement under these rules to maintain as at least one registered apprentice in accordance with the guidelines of 29 C.F.R. 29.6(a). Any bid submitted without the above certification shall be rejected.

- (3) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must maintain appropriate industrial accident insurance coverage for all employees on the project in accordance with G.L. c.152;
 - (4) The bidder or proposer and all trade contractors and subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. (G.L. c.149, §148B on employee classification);
 - (5) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must at the time of bidding certify that, at the time employees begin work at the worksite, all employees will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least ten hours in duration, and shall ensure that all employees working at the worksite possess such qualifications at all times throughout the duration of their work on the project and furnish documentation of successful completion of the course;
 - (6) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under the statute by the Commonwealth Health Insurance Connector Authority;
 - (7) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must make arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign in/out logs shall be provided to the Procurement Officer, Building Commissioner and City Engineer on a bi-weekly basis, and shall be verified by the Procurement Officer or by his or her designee;
 - (8) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the City a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the City.
- (d) A proposal or bid submitted by any general bidder or by any trade contractor or subcontractor under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of G.L. c. 149, §44F shall be awarded to a subcontractor that does not comply with the forgoing conditions.
- (e) All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on the projects subject to G.L. c. 149, §44A(2) or c. 149A, shall comply with each of the obligations set forth in this ordinance for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

- (f) Any proposer, bidder, trade contractor or subcontractor under the bidder or proposer who fails to comply with any one of obligations set forth in this section for any period of time shall be, at the sole discretion of the City, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of five percent of the dollar value of the contract.
- (g) In addition to the sanctions outlined in the sections above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. c. 149, §44F.

(Ord. No. 22-23, § 3, 11-21-2023)

Undersigned shall refer to City Ordinance 11-140 - *Responsible employer ordinance pertaining to projects with a total cost of \$250,000.00 or more* for complete Ordinance language, from which the following certifications shall apply to those seeking to perform work under this Project.

All bidders or proposers and all subcontractors and trade contractors, including subcontractors that are not subject to G.L. c. 149, §44F, under the bidder for projects subject to G.L. c. 149, §44A(2), and proposers under G.L. c. 149A, shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a subcontract at any tier, that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:

Provisions specific to the City of Peabody

- (1) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must certify that at the time of bidding that it/they maintain or participate in a Bona Fide Apprentice Training Program ("BFATP"). A BFATP is one that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for at least three of the past five years. To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying that it participates in a BFATP for each trade or classification listed.

If the firm participates in a recently formed apprenticeship program for a trade or craft it employs, it may satisfy the training requirement of this certification by providing documentation showing that the program in which it participates: (i) has been established within the past five years; (ii) is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency; and (iii) provides bona fide apprenticeship training to participants and is in compliance with the standards and requirements applicable to registered apprenticeship programs under 29 C.F.R. 29, including the requirement under these rules to maintain as at least one registered apprentice in accordance with the guidelines of 29 C.F.R. 29.6(a). Any bid submitted without the above certification shall be rejected.

- (2) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must make arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign in/out logs shall be provided to the Procurement Officer, Building Commissioner and City Engineer on a bi-weekly basis
- (3) All bidders or proposers and all trade contractors and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on the projects subject to G.L. c. 149, §44A(2) or c. 149A, shall comply with each of the obligations set forth in this ordinance for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.
- (4) A proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. c. 149, §44F.

Provisions otherwise applicable to public construction projects as provided under Massachusetts General Laws:

- a) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must comply with the obligations established under G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees;
- b) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must maintain appropriate industrial accident insurance coverage for all employees on the project in accordance with G.L. c.152;
- c) The bidder or proposer and all trade contractors and subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. G.L. c.149, §148B on employee classification.
- d) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must at the time of bidding certify that, at the time employees begin work at the worksite, all employees will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least ten hours in duration, and shall ensure that all employees working at the worksite possess such qualifications at all times throughout the duration of their work on the project and furnish documentation of successful completion of the course;
- e) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under the statute by the Commonwealth Health Insurance Connector Authority;
- f) The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the City a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the City.

All certifications required above, under provisions of the City Ordinance 11-140, shall be subject to verification by the City of Peabody, upon written request to produce sufficient documentation for the City to determine compliance with any applicable provisions of said Ordinance.

The undersigned has reviewed the above and the complete provisions of City Ordinance 11-140 and hereby certifies under oath that it complies with **Provisions specific to the City of Peabody**

Name of Party: _____

Authorized Signature: _____

The undersigned has reviewed the above and the complete provisions of City Ordinance 11-140 and hereby certifies under oath that it complies with **Provisions otherwise applicable to public construction projects as provided under Massachusetts General Laws**

Name of Party: _____

Authorized Signature: _____