Contractor/Subcontractor Responsibility Certification

Contractors: The City of Wilmington Division of Procurement and Records must receive this executed form not later than at the time of bid submission. It may be submitted prior to bid submission for review.

Subcontractors: Must submit this form to requesting contractor.

CONTRACTOR/SUBCONTRACTOR RESPONSIBILITY CERTIFICATION
FOR DEPARTMENT OF PUBLIC WORKS CONTRACTS
VALUED AT MORE THAN $100,000

Name of Company: Union Painting

Address: 4320 E. Cambridge St.

Baltimore, MD 21224

Contract/Project Name: Rehabilitation of the 500,000 Gallon Talleyville Tank

Contract Number: 160PSWD

As a condition of performing "City work" (all building or construction work or projects of any kind or nature as provided in City Code Sec. 2-651) for the City of Wilmington, Delaware, contractors and subcontractors (hereinafter referred to as "Bidders") must meet certain responsible contractor requirements and qualifications specified in the Wilmington City Code, Chapter 2, Article VI, Division 6, Subdivision III (Sec. 2-561 et seq.). Pursuant thereto, the Company named above certifies the following:

PLEASE INITIAL EACH ITEM TO INDICATE COMPLIANCE
(Xs and check marks are *not* acceptable)

NO 1. The Bidder and its employees have all valid, effective licenses, registrations, or certificates required by federal, state, county, or local law, including, but not limited to, licenses, registrations, or certificates required to:

a. do business in the City of Wilmington and the State of Delaware; and

b. perform the contract work, including, but not limited to, licenses, registrations or certificates for any type of construction or maintenance trade work or specialty work which the Bidder proposes to self-perform.

NO 2. The Bidder meets all:

a. bonding requirements as required by the applicable law or contract specifications; and

b. insurance requirements per applicable law or contract specifications, including general liability insurance, workers' compensation insurance, and unemployment insurance.

NO 3. The Bidder has a satisfactory record of integrity in accordance with Sec. 2-537(4) of the City Code, which further states as follows:

The following provisions, while not exclusive, shall be sufficient to justify a finding of nonresponsibility:

a. failure to pay taxes and fees due and owing to the City;

b. a conviction of the contractor or a principal officer thereof for commission of a criminal offense, as incident to obtaining or attempting to obtain a public contract or in the performance of such contract;

c. a conviction, of the contractor or principal officer thereof, under state or federal statutes, for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a city contractor.

NO 4. The Bidder has a satisfactory record of timely performance of City contracts in accordance with Sec. 2-537(3) of the City Code, which further states as follows:

Contractors who are seriously deficient in current contract performance, when the number of contracts and the extent of deficiency of each are considered, shall, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, be presumed to be unable to meet this requirement. Past unsatisfactory performance due to failure to apply necessary

tenacity, or perseverance to do an acceptable job, shall be sufficient to justify a finding of nonresponsibility.

NO 5. The Bidder has a satisfactory record of performance of contractual provisions in accordance with Sec. 2-537(5) of the City Code, which further states as follows:

Violation of contract provisions of a character which justify a finding of nonresponsibility include:

a. deliberate failure without good cause to perform in accordance with the specifications provided in the contract;

b. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts;

c. in particular, failure to comply with prevailing wage and related federal, state, and city requirements;

provided, however, that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for a finding of nonresponsibility.

NO 6. The Bidder has a satisfactory record of good faith efforts to achieve disadvantaged business enterprise participation in accordance with Sec. 2-537(8) of the City Code.

NO 7. The Bidder has not been debarred or suspended by any federal, state or local government agency or authority in the past three years.

NO 8. The Bidder has not defaulted on any project in the past three years.

NO 9. The Bidder has not had any type of business, contracting or trade license, registration, or other certification revoked or suspended in the past three years.

NO 10. The Bidder and its owners have not been convicted of any crime relating to the contracting business in the past ten years.

NO 11. The Bidder has not at any time been found in violation of any federal, state or local prevailing wage law.

NO 12. The Bidder has not within the past three years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, environmental laws or others, where the result of such violation was the payment

of a fine, back pay damages or any other type of penalty in the amount of $1,000 or more.

VD 13. The Bidder will pay all craft employees that it employs on the project the current wage rates and fringe benefits as required under applicable federal, state or local wage laws.

VD 14. All craft labor that will be employed by the Bidder for the project have completed at least the OSHA 10 hour training course for safety established by the U. S. Department of Labor, Occupational Safety & Health Administration.

VD 15. The Bidder will employ craft employees in all classifications and individual trades required to successfully perform the work related to the project.

VD 16. The Bidder has participated in a Class A Apprenticeship Program for the past twelve months, at a minimum, for each separate trade or classification in which it employs craft employees and shall continue to participate in such program or programs for the duration of the project. The twelve month participation requirement may be waived during the first year of implementation of this Ordinance, provided that the firm is participating in a Class A Apprenticeship Program at the time it submits its bid and submits information showing that the construction craft workers it plans to use have adequate skills to successfully perform the project. Once the Ordinance has been in effect for twelve months, i.e., September 4, 2013, a waiver of this requirement will no longer be available.

a. for purposes of this section, a Class A Apprenticeship Program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status for at least three of the past five years;

b. to ensure compliance with this section, the Bidder shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying it participates in a Class A Apprenticeship Program for each trade or classification listed;

c. in order to enhance the training of its workforce and to comply with this subsection, the firm must enroll a new person in a Class A Apprenticeship Program for each bid submitted to the City.

VD 17. The Bidder shall make all reasonable best efforts to ensure that fifteen percent (15%) of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes City of Wilmington residents. To ensure compliance with this section, the Bidder will also make residency information on its workforce available to the City upon request.

ND 18. The Bidder has all other technical qualifications and resources, including equipment, personnel and financial resources, to perform the referenced contract, or will obtain same through the use of qualified, responsible contractors.

ND 19. The Bidder acknowledges that within seven (7) calendar days following the date of receipt of Notice of Intent to Award Contract, it will provide a list of subcontractors it plans to utilize for services in the performance of the contract. The list must include a brief description of the subcontractor's scope of work. In addition, each subcontractor providing services equaling or exceeding $100,000 must provide executed Subcontractor Responsibility Certifications containing information equivalent to that required for the Bidder in the Contractor Responsibility Certification. Note: Bidder must initial this item regardless of the value of the subcontract services.

ND 20. If at any time during the past five (5) years the Bidder has controlled or has been controlled by another corporation, partnership or other business entity operating in the construction industry, it will disclose such facts by attaching a detailed statement to its Contractor Responsibility Certification explaining the nature of the relationship.

ND 21. The Bidder acknowledges that it shall be required to provide appropriate documentation of the conditions specified in this Contractor/Subcontractor Responsibility Certification. The Bidder also understands that the City of Wilmington may request additional information or documents at any time as the City of Wilmington deems necessary to evaluate the responsibility of Bidder. Bidder agrees to provide such additional information or supporting documentation for this Certification.

ND 22. If a Bidder fails to provide the Contractor Responsibility Certification required by this section, the Bidder shall be disqualified from bidding the contract. If a Bidder fails to provide other information or documentation required by the City of Wilmington, it may be disqualified from being awarded the contract.

ND 23. The Bidder shall notify the City within seven days of any material changes to all matters attested to in this certification.

Under the penalty of perjury, the Bidder's authorized representative hereby certifies that all information included in the Contractor Responsibility Certification or otherwise submitted for purposes of determining the Bidder's status as a responsible contractor is true, complete and accurate and that he/she has knowledge and authority to verify the information in this certification or otherwise submitted on behalf of the Bidder by his or her signature below.

Authorized Signature

8-23-16
Date

NIKOS DIMMAS
Print Name

PRESIDENT
Title

Witness Signature

8/23/16
Date

PLEASE SUBMIT ***SIGNED ORIGINAL*** VERSION OF THIS FORM TO:

CITY OF WILMINGTON
DEPARTMENT OF FINANCE, DIVISION OF PROCUREMENT
LOUIS REDDING CITY COUNTY BUILDING
800 N. FRENCH STREET, 5TH FLOOR
WILMINGTON, DE019801

Questions regarding the this form can be sent to
procurement@wilmingtonde.gov or call 302.576.2423

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CONTRACTOR/SUBCONTRACTOR RESPONSIBILITY CERTIFICATION
FOR DEPARTMENT OF PUBLIC WORKS CONTRACTS
VALUED AT MORE THAN $100,000

Name of Company: T&M WELDING & CONTRACTING

Address: 352 GUSRYAN ST.

BALTIMORE, MD 21224

Contract/Project Name: Talleyville elevated tank restoration

Contract Number: _____

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Authorized Signature

Date 6/2/16

NIKOS DIMAS
Print Name

PRESIDENT
Title

Witness Signature

Date 6/2/16

PLEASE SUBMIT ***SIGNED ORIGINAL*** VERSION OF THIS FORM TO:

CITY OF WILMINGTON
DEPARTMENT OF FINANCE, DIVISION OF PROCUREMENT
LOUIS REDDING CITY COUNTY BUILDING
800 N. FRENCH STREET, 5TH FLOOR
WILMINGTON, DE019801

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