



## COUNTY OF DELAWARE

### Contractor Responsibility Certification

Chapter 29 of the Delaware County Code requires that as a condition of performing work on certain public works contracts, a firm seeking award of a contract shall submit a Contractor Responsibility Certification. Delaware County has determined that the contract subject to this solicitation is covered by Chapter 29, and that firms responding to this solicitation must submit this form and otherwise comply with the provisions of Chapter 29 as well as Delaware County Resolution Number 2022-3 (Regarding Goals for Diversity in Public Works Contracting).

In order for this Contractor Responsibility Certification to be considered validly submitted, it must be properly signed by the firm or an officer or employee of the Contractor authorized to make it. Contractor Responsibility Certifications that are not properly signed will not be considered as responsive to the requirements of the Delaware County Code. If a firm fails to provide a Contractor Responsibility Certification required by this section, it may be disqualified from bidding/responding. No action of any nature shall lie against Delaware County because of its refusal to accept a bid/response for this reason.

Execution of this Contractor Responsibility Certification shall not establish a presumption of contractor responsibility, and Delaware County may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including information regarding the firm's technical qualifications, financial capacity or other resources and performance capabilities.

If Delaware County determines that a Contractor Certification, Subcontractor List or Subcontractor Responsibility Certification contains false or misleading information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be disqualified from the project and shall be prohibited from performing work for Delaware County for a period of three years. Delaware County may withhold payment of any monies due to the firm as damages and impose other applicable penalties and sanctions, including contract termination, as permitted by law or contract.

I hereby represent, warrant and agree on behalf of the firm indicated below that:

#### Acknowledged\*

- (1) The firm and its employees have all licenses, registrations, certificates or other credentials required by federal and state law and the laws of Delaware County with respect to the contract work it seeks to self-perform.
- (2) The firm meets the bonding requirements for the contract required by law or contract specifications, as well as applicable insurance requirements for the contract, including general liability, workers compensation and unemployment insurance.

- (3) The firm has not been debarred or suspended by any federal, state or local government agency or authority in the past three years. ✓
- (4) The firm has not defaulted on any project in the past three years. ✓
- (5) The firm has not had any type of business, contracting or trade license, registration or certification revoked or suspended in the past three years. ✓
- (6) The firm and its principals/owners have not been convicted of any crime relating to its contracting business in the past ten years. ✓
- (7) Within the past three years, the firm has not been found in violation of any law applicable to its contracting business, including, but not limited, to licensing laws, tax laws, wage and hour laws, prevailing wage 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 \$5,000) or more. ✓
- (8) The firm will employ a sufficient number of craft labor personnel required to successfully perform any project work it self-performs or shall use qualified subcontractors to meet this requirement and shall assign workers to perform only work in their respective craft or trade for which they have sufficient skills and training, or shall use qualified subcontractors to meet this requirement. ✓
- (9) The firm will pay all craft employees on the project, at a minimum, the applicable wage and fringe benefit rates, as established for the classification in which the worker is employed, in accordance with the Pennsylvania Prevailing Wage Act (43 P.S. § 165-1 et seq.). ✓
- (10) The firm will ensure that all craft labor it employs on the project will have completed, prior to working on the project the OSHA 10-hour training course for safety established by the U.S. Department of Labor. If the firm is a prime contractor, it shall also ensure that at least one person on the project has completed the OSHA 30-hour construction training course established by the U.S. Department of Labor ✓
- (11) The firm participates in a Class A Apprenticeship Training Program for each separate trade or classification in which it employs craft employees. ✓
- (a) A "Class A Apprenticeship Program" is an apprenticeship program 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. This may be an apprenticeship program subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq. ("ERISA"), or a non-ERISA program.
- (b) 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 it participates in a Class A Apprenticeship Program for each trade or classification listed. See Attachment 1.
- (12) The construction manager, general contractor or other lead or prime contractor responsible for the project shall ensure that at least 70 percent of the craft labor workers employed on the project shall be comprised of either journey person ✓

workers who have successfully completed a Class A Apprenticeship Program or apprentices registered in such programs. The apprenticeship participation of specified by this section must be in the same trade or craft for which the workers are employed on the project.

(13) The firm shall assign craft labor personnel only work in the craft or trade in which they are employed.

(14) The firm has all other technical qualifications and resources, including equipment, personnel and financial resources, to successfully perform the referenced contract and shall maintain such capabilities throughout the duration of the project, or will obtain same through the use of qualified, responsible subcontractors or vendors

(15) The firm shall notify Delaware County within seven days of any material changes in its operation that relate to any matter attested to in this certification.

(16) If the submitting firm has ever operated under another name or is controlled by another company or business entity or in the past five years controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or in any other business relation, it shall attach as Attachment 2 hereto that explains in detail the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.

(17) Please include a proposed Subcontractor List as Attachment 3. If the firm receives a Notice of Intent to Award Contract, it agrees to: (a) provide Subcontractor Responsibility Forms and any required subcontractor information within fourteen days (Director of Public Works may extend such deadline upon good justification by firm); and (b) provide any reasonably requested supporting documentation as part of Delaware County's contractor responsibility review process.

(18) The firm and its owners have not declared bankruptcy in the past three (3) years.

(19) The firm has not committed or been cited for a willful violation of federal or state safety laws as determined by a final decision of a court or government agency in the past three (3) years.

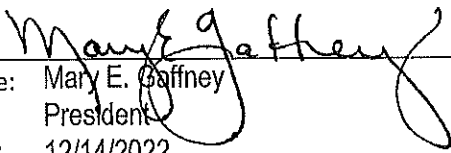
(20) The firm will notify, in writing, the Delaware County Department of Public Works within seven (7) days of any material change to any of the above certifications.

***\*Please check each box to acknowledge that you have read the corresponding representation/warranty/agreement.***

By executing below, you declare and certify that:

- (A) You are an employee or officer of the firm who is duly authorized to execute this Contractor Responsibility Certification.
- (B) Have sufficient knowledge to address all matters in this Contractor Responsibility Certification and attest that all information submitted is true, complete and accurate. This attestation is made subject to the penalties and provisions of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Name of Firm: GEM Mechanical Services, Inc.

By:   
Name: Mary E. Gaffney  
Title: President  
Date: 12/14/2022