

★ Roll Call Number

Agenda Item Number

39

Date April 11, 2011

Request from Council Members Mahaffey and Moore, to discuss Taxpayer Quality Assurance.

Moved by _____ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

CONTRACTOR QUALIFICATION QUESTIONNAIRE

Pursuant to Iowa Code §26.9 which requires that contracts for public improvements be awarded to the "lowest responsive, responsible bidder" and in accordance with Iowa court decisions allowing public entities to consider factors other than price in determining who is the lowest responsible bidder, the questionnaire is hereby provided to contractors and subcontractors seeking to submit bids. This questionnaire will be used to evaluate contractor/subcontractor qualifications for vertical, as well as horizontal projects. Once a contractor or subcontractor is prequalified, the prequalification status shall be maintained for the remainder of the calendar year, subject to a continuing obligation to update information contained within the questionnaire. Contractors and subcontractors who do not complete the following questionnaire will not be invited to submit bids.

1. Full Name of Contractor/Subcontractor _____
 Address _____
 Telephone _____ Fax Number _____ Email _____
2. All other names under which Firm has operated in last (5) years _____
3. Provide Contractor/subcontractor's Registration Numbers and full names of Registration Holders as per Iowa Construction Contractor Registration requirements:

 Contractor Registration Expiration Date _____
4. Has the registration ever been suspended or revoked in any jurisdiction? (state, city, county, public entity) Yes No
 If "YES", provide information regarding suspension/revocation and attach all relevant documents.
5. Within the past (5) years, have you ever been debarred by any federal, state or local entity from bidding on projects?
 Yes No
 If "YES", provide all information related to debarment.
6. On a separate sheet, list construction projects your organization is or has been involved in the past five years, giving the project name, owner, architect, contract amount, percent complete and scheduled completion date.
 - State total worth of work in progress and under contract
 - Provide a sample of your firm's scheduling program that is currently being utilized to track the progress of performance

7. Within the past (3) years, has your firm, or any firm with which any of your firm's owners, officers or managing employees was associated, defaulted on a contract, or been disqualified, removed or otherwise prevented from bidding on, or completing any project for any reason?
- Yes No

If "YES", provide the name of the firm, the name of the person associated with that firm (if applicable), and all relevant details of the default including, but not limited to, the year of the default, the location of the project, the full name and address of the owner of the project, the full name and address of the general contractor, the value of the contract, and the reasons for the default.

8. Has your firm ever been unable to obtain a bond or been denied a bond for a contract?
- Yes No

If "YES", please provide all relevant details.

9. Has your firm, any affiliated company, or any owner, officer, or managing employee of your firm, ever declared bankruptcy or been in receivership?
- Yes No

If "YES", provide all relevant details.

10. Has your company been cited by any governmental regulatory agency in the past (3) years?
- If "YES", provide all details and attach associated documents.

Yes No

11. Does your firm, any related firm, or any of your firm's owners, officers or managing employees, or firms with which they are associated, have any current claims or litigation against [public entity], the State of Iowa or any of its political subdivisions? (i.e. counties, cities agencies, etc.)

Yes No

If "YES", identify which firm, or who has the claims or litigation, and provide all relevant details.

12. Does the firm have any outstanding demands, liens or judgments against it?

Yes No

If "YES", describe what the demand, lien or judgment is for and state the amount.

13. Is your firm currently in compliance with its obligations under local, state and federal tax laws?

Yes No

14. Has your firm been found by a court or agency of competent jurisdiction to be delinquent in meeting its obligations under local, state or federal tax laws within the last (5) years? (Delinquent shall include, but is not limited to: failure to file, failure to pay, and imposition of tax liens on firm property).

Yes No

15. For all crafts Contractor will self perform on the Project, does Contractor utilize employees who have participated in a Department of Labor approved apprentice and/or training program?

Yes No

Does your firm participate with or maintain its own Department of Labor approved apprentice program for each craft which the firm employs?

Yes No

Name of Program _____

If "YES", does the program have active, registered apprentices?

Yes No

If "YES", has the program had at least 1 (one) graduate during each of the preceding (3) calendar years?

Yes No

16. For all crafts Contractor will self perform on the Project, what percentage of the Contractor employees have been working in their craft for less than three (3) years?

17. Does your firm attest that it will comply with each of the following:

- Iowa's Minimum Wage Law Yes No

- Maintain workers' compensation insurance or be qualified as a self-insurer and provide proof of insurance or ability to self-insure upon request. Yes No

- Confirm that all workers on the project will be "employees" and that there will be no use of independent contractors or "leased employees". Yes No

- Other than apprentice employees who have personally participated in a Department of Labor approved apprentice program, document that any employees newly hired by Contractor for this Project possess three (3) years employment within the craft they will perform.

Yes No

- That Contractor has properly licensed all employees with the appropriate licensing authority.

Yes No

- That Contractor will make available to Owner or Owner's representative, upon Owner's Request, weekly pay records for all employees on this Project.

Yes No

- That Contractor will provide with this Questionnaire, the name, address, phone number, and name of contact person for three entities who will provide references.

Yes No

18. The Contractor agrees that it will submit a list of intended subcontractors on the date of the bid.

Yes No

The Contractor agrees to provide a final list of subcontractors within three (3) days following the date the bid is awarded.

Yes No

-- Should any substitution of subcontractors be requested, included with the final list shall be an explanation of the reasons associated with the substitution. Replacement of any originally-designated subcontractor may occur only with the approval of [public entity]. Such approval will not be unreasonably withheld.

19. Provide Contractor's Federal ID Number _____

20. Provide Name and Address of Firm's Registered Agent

I declare under penalty of perjury that (1) all the information provided by me in this questionnaire is true and correct to the best of my knowledge; (2) I am authorized to sign this questionnaire on behalf of the firm whose name appears in Question 1 of this questionnaire, and am attaching a power of attorney, certified minutes, etc., which indicate my authority; (3) if any of the information I have provided herein becomes inaccurate, I will immediately (if still employed by the firm) provide the awarding body with updated accurate information in writing and under penalty of perjury; and (4) I hereby authorize any person or entity named herein to provide [public entity] with whatever information might be required to verify this questionnaire.

Executed this _____ day of _____, 20__ at
_____, Iowa.

Signature

The following requirements are intended to be included in the Quality Assurance Sections of the Bid Specifications which the General Contractor will, along with all other quality assurance requirements, be required to manage. The Contractor is responsible for ensuring that all subcontractors of whatever tier are in compliance with Quality Assurance Specifications. The Contractor will submit to [Public Entity] a list of intended subcontractors on the date of the bid and to provide completed copies of each subcontractor's Quality Assurance Questionnaire on the date of the bid, as well as the completed Quality Assurance Questionnaires for the subcontractors of the Contractor's direct subcontractors. Replacement of any originally-designated subcontractor may only occur with the approval of [Public Entity] Should any of the subcontractors of whatever tier be deemed unqualified, Contractor agrees to accept any and all consequences for lack of subcontractor qualification, which could include revocation of the awarded bid.

FOR ALL SUBCONTRACTORS

The standards and requirements detailed below shall apply to direct subcontractors of the General Contractor, as well as subcontractors of those subcontractors.

All Subcontractors of whatever tier shall provide Subcontractor's Registration Number and full names of Registration Holders as per Iowa Construction Registration requirements. If Subcontractor has ever been suspended or revoked in any jurisdiction, Subcontractor must provide, upon request, all information and documentation regarding such suspension/revocation.

Subcontractors of all levels must not be under current investigation for or previously have been found to have violated in the last five (5) years any of the following state or federal laws: Iowa Minimum Wage Act, Iowa Non-English Speaking Employees Act, Iowa Child Labor Act, Iowa Labor Commissioner's Right to Inspect Premises, Iowa Compensation Insurance Act, Employment Security Act, Iowa Competition Act, Iowa Income, Corporate and Sales Tax Code, a "willful" violation of the Iowa or Federal Occupational Safety and Health Act, Iowa Employee Registration Requirements, Iowa Hazardous Chemical Risks Act, Iowa Wage Payment Collection Act, Federal Income and Corporate Tax Code, The National Insurance Security Act, The Fair Labor Standards Act.

Subcontractors will only utilize Subcontractor on-site employees that have completed the Occupational Safety and Health Act (OSHA) 10 hour Construction Industry Training Program.

Subcontractors must properly license all employees with the appropriate licensing authority.

FOR SELECT SUBCONTRACTS

These bid requirements shall apply to the following Subcontracts:

- 1.
- 2.
- 3.

Subcontractors must participate in an craft-specific apprentice or training program for the craft which it employs workers that has been approved by the United States Department of Labor (DOL) which has graduated at least one apprentice in the immediately preceding three-year period. Subcontractors must provide, upon Owner's or General Contractor's request, documentation of such participation.

Subcontractor is not required to use apprentices on the Project. If subcontractor chooses to employ apprentices on this Project, subcontractor must provide upon request, evidence that each of the apprentices on the Project is participating in and registered with a DOL-approved apprentice or training program for the craft for which it is employing workers on the project.

It shall be required that workers under these designated subcontracts will be required to be "employees" of the subcontractor and that the workers not be "leased employees" or "independent contractors". Subcontractor at

December 30, 2010

39

all levels, that is even a subcontractor of a subcontractor, will only utilize workers on this Project that have unemployment and workers compensation coverage provided by the subcontractor by which the worker is employed. Subcontractor will make available to General Contractor or Owner such documentation that is necessary to satisfy Owner, in Owner's sole discretion, that subcontractor is in compliance with this provision.