

**CITY OF RACINE
WATER & WASTEWATER UTILITY
PROSPECTIVE
CONTRACTOR**

***STATEMENT OF
RESPONSIBILITY
QUESTIONNAIRE***

Michael L. Gitter, P.E.
Water Utility Director

Nate Tillis
Wastewater Utility Director



Kenneth M. Scolaro, C.P.A.
Administrative Manager

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Chief Engineer

TO: Prospective Bidders

FROM: Racine Water & Wastewater Utilities

DATE: _____

SUBJECT: Contractor Qualification Process

Per Section 66.0901(2) of the Wisconsin Statutes, and Section 46-40 of the Racine Code of Ordinances, the attached Statement of Responsibility Questionnaire is required to be fully completed, sworn to before an officer authorized by law to administer oaths, and received by the Racine Water & Wastewater Utilities (hereafter referred to as "the Utilities") at least five days prior to the time set for the opening of bids for any contract solicitation for which your firm wants to submit a bid. The contents of the statements received will be confidential, and will be evaluated to determine if your firm is qualified to be awarded contracts for the Racine Water Utility or the Racine Wastewater Utility.

The Statement of Responsibility Questionnaire consists of two parts which will be used to evaluate each application.

- Part 1 - Essential Requirements for Qualification consists of 22 yes or no questions which are graded on a pass-fail basis. If an applicant fails any of the questions, its application will be rejected.
- Part 2 - Organization, History, Organizational Performance, Compliance with Civil and Criminal Law consists of a list of questions, 16 of which are scored. If an applicant's Part 2 score fails to meet the minimum score of 65 out of a possible 85, its application will be rejected.

In summary, a firm must successfully pass both parts of the application in order to be found to be qualified to perform work for the Utilities. Once the review and evaluation is complete, the applicant will receive a signed affidavit stating whether it has been found qualified or unqualified to be awarded contracts by the Utilities. Qualification is valid for one year from the date of approval. Any applicant found unqualified has a right to appeal the decision.

The Utilities reserve the right to waive minor irregularities and omissions in the information submitted. The Utilities also reserve the right to rescind the qualified status of a contractor based on the discovery of information or changes in conditions that differ substantially from the information provided in the contractor's application, after giving notice of the proposed action, and providing an opportunity to appeal the rescission.

The Statement of Responsibility Questionnaire can be sent via USPS mail to 800 Center St., Rm. 227 Racine, WI 53403 or via email to utilityadmindocs@cityofracine.org.

CONTACT INFORMATION

Firm Name: _____ Check One: ☐ Corporation
(as it appears on license, if applicable) ☐ Limited Liability Company (LLC)
☐ Partnership
☐ Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

If firm is a sole proprietor:

Owner(s) of firm _____

If firm is a partnership:

General partners: _____

Limited partners: _____

If firm is a corporation:

Stockholders: _____

Officers: _____

If firm is an LLC:

Members: _____

List all license numbers, classifications, and expiration dates of Wisconsin licenses held by your firm, if applicable:

If any of your firm's license(s) are held in the name of a corporation, LLC, or partnership, list below the names of the qualifying individual(s) who meet(s) the experience and examination requirements for each license.

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 19 is “No”, or the answer to any of questions 20 through 23 is “Yes.”

1. The Contractor maintains a permanent place of business.
☐ Yes ☐ No
2. The Contractor is authorized to do business in the State of Wisconsin.
☐ Yes ☐ No
3. The Contractor, agent, partner, employee, or officer of the contractor is not debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state, or local government.
☐ Yes ☐ No
4. The Contractor is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Order No. 11246 as amended by Executive Order No. 11375 (known as “equal opportunity employer” provisions).
☐ Yes ☐ No
5. The Contractor has general liability and automobile liability, and has workers’ compensation, employer’s liability, and unemployment insurance where required.
☐ Yes ☐ No
6. The Contractor has complied with all provisions with any prevailing wage laws and federal Davis – Bacon related acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past ten years.
☐ Yes ☐ No
7. The Contractor understands and will comply with the City of Racine’s Racine Works Program.
☐ Yes ☐ No
8. The Contractor has adequate financial resources to complete the public works project, as well as other work the bidder is presently under contract to complete.
☐ Yes ☐ No
9. The Contractor has adequate equipment to complete the public works project.
☐ Yes ☐ No
10. The Contractor has adequate skill, judgment, experience, and resources to capably complete the public works project.
☐ Yes ☐ No
11. The Contractor has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503.
☐ Yes ☐ No
12. There has not been more than one occasion when the contractor has been penalized for failure to comply with a contractually required local hiring preference program such as the “Racine First” program, “Racine Works”

program, the City of Milwaukee's "Residents Preference Program" or the Milwaukee Metropolitan Sewerage District's "Local Workforce Participation" program.

☐ Yes ☐ No

13. The workers who will perform work on the public works project are properly classified as employees or independent contractors under all applicable state and federal laws.

☐ Yes ☐ No

14. The Contractor's employees who will perform work on the public works project are covered under a current workers' compensation policy and properly classified under such policy.

☐ Yes ☐ No ☐ Contractor is exempt from this requirement, because it has no employees

15. The Contractor possesses all applicable professional and trade licenses required for performing the public works project.

☐ Yes ☐ No

16. The Contractor is bondable for public works projects.

☐ Yes ☐ No

17. The Contractor participates in a Class A Apprenticeship program and employs apprentices at a numeric ratio of apprentices to journey workers consistent with proper supervision, training, safety, and continuity of employment, and in compliance with Wis. Admin. DWD sec. 295.02(2)(b)9 and Wis. Stats. Sec. 106.015.

☐ Yes ☐ No

18. The Contractor has a record of satisfactorily completing projects of similar size and complexity within the last ten years. The criteria which will be considered in determining satisfactory completion of projects of similar size may include, but are not limited to (i) completion of contracts in accordance with drawings and specifications, (ii) diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner, (iii) fulfilled guarantee requirements of the public works contract documents.

☐ Yes ☐ No

19. The Contractor has and diligently maintains a written safety policy.

☐ Yes ☐ No

20. Has the Contractor, or any associated business, initiated or maintained a lawsuit against the City of Racine, the Community Development Authority of City of Racine, or any of its elected officials, officers, or employees for actions taken in their official capacity within the last five years. ("Associated business" means any business with which any owner, general partner, limited partner, officer, or LLC member of the contractor was an owner, general partner, limited partner, officer, or LLC member at any time during the previous five years. In this context, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation. Lawsuit does not include a claim or dispute initiated or maintained to enforce any public works contract let by the City of Racine or the Community Development Authority of the City of Racine or for the review of a determination that a contractor is not a responsible bidder.)

☐ Yes ☐ No

21. Has your firm's, or one of its principal's, state license been revoked at any time during the last five years?
☐ Yes ☐ No
22. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five years?
☐ Yes ☐ No
23. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
☐ Yes ☐ No

Note: A contractor disqualified solely because of a "Yes" answer given to question 20, 21, 22, or 23 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

This portion of the questionnaire includes 12 scored questions, with a highest possible total score of 85 points. **A score of less than 60 points on this part of the questionnaire will prevent a contractor from being found responsible.**

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

- 1a. Date incorporated : _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership

- 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation, or ten percent ownership share if the business is an LLC.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

For Firms That Are Limited Liability Companies:

- 1a. Date of formation: _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each person who is either (a) a manager of the LLC, or (b) a member with at least ten per cent ownership share in the LLC.

Name	Position	Years with Co.	% Ownership

- 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner, officer, LLC manager, LLC member) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation, or ten percent ownership share if the business is an LLC.

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm

For Firms That Are Partnerships:

- 1a. Date of formation: _____
 1b. Under the laws of what state: _____
 1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership

- 1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation, or ten percent ownership share if the business is an LLC.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
 1b. Name of company owner. _____
 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation, or ten percent ownership share if the business is an LLC.

Person's Name	Construction Company	Dates of Person's Participation with Company

B. History of the Business and Organizational Performance

2. State your firm's gross revenues for each of the last three years:

3. How many years has your organization been in business in Wisconsin as a contractor under your present business name and license number (if applicable)? _____ Years

Scoring: *3 years or more = 2 points*
4 years = 3 points
5 years = 4 pts.
6 years or more = 5 points

4. Is your firm currently the debtor in a bankruptcy case?

☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

Scoring: *"No" = 5 points "Yes" = 0 points*

5. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 4, above)

☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Scoring: *"No" = 5 points "Yes" = 0 points*

C. Contracting History, Insurance and Bonding

6. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes ☐ No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, the final contract amount, the final contract performance period in calendar days, the number of days and amount of liquidated damages assessed, and all other information necessary to fully explain the assessment of liquidated damages.

Scoring: *No projects with liquidated damages amounting to more than 20% of the contract performance period = 10 points*

One project with liquidated damages less than 20% of the contract performance period = 8 points.

Two projects with liquidated damages amounting to more than 20% of the contract performance period = 4 points

Any other answer = 0 points

7. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes ☐ No

If “yes,” explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

Scoring: *No = 10 points Yes = 0 points*

8. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?

☐ Yes ☐ No

If “yes,” explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

Scoring: *10 points for “No”
5 points for “Yes” indicating no more than 2 such claims
0 points for “Yes” if more than 2 such claims*

9. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

Scoring: *No = 10 points Yes = 0 points*

10. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☐ No

If “yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Scoring: *10 points for either “No” or “Yes” indicating 1 such claim.
5 points for “Yes” indicating no more than 2 such claims
0 points for “Yes” if more than 2 such claims*

D. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

11. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If “yes,” attach a separate signed page describing each citation.

Scoring: *If the firm’s average annual gross revenues for the last three years was less than \$5 million, scoring is as follows:*

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than \$5 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 3 or less such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

12. Has the EPA, Wisconsin Department of Natural Resources, or other regulatory agencies from Wisconsin or other states cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If “yes,” attach a separate signed page describing each citation.

Scoring: *If the firm’s average annual gross revenues for the last three years was less than \$5 million, scoring is as follows:*

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” or if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than \$5 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 3 or less such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

13. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

Scoring: *5 points for an answer of once each week or more often.*
0 points for any other answer

14. List your firm's workers' compensation insurance Experience Modification Rate (EMR), as determined by the Wisconsin Compensation Rating Bureau or the National Council on Compensation Insurance, for each of the past five premium years:

NOTE: An Experience Modification Rate is issued to your firm annually through your workers' compensation insurance carrier.

Current year: _____

Last year: _____

Two years ago: _____

Three years ago: _____

Four years ago: _____

If your EMR for any of these five years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

Scoring: *5 points for five-year average EMR of .95 or less*
3 points for five-year average of EMR of more than .95 but no more than 1.00
0 points for any other five-year average of EMR

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

Provide information about your firm's eight most recent public works contracts, similar to the project(s) for which you expect to bid, substantially completed within the last three years. If you have substantially completed one or more projects for the City of Racine Department of Public Works or Water and Waste Water Utilities, please include one of these projects in your submission. If you haven't completed eight public works contracts in the last three years, provide information about enough of your firm's largest private sector projects to document eight contracts of similar scope, substantially completed within the last three years. Names of contacts and their telephone numbers must be current. Use separate sheets of paper for each contract that contain all of the following information:

Project Name: _____

Location (city, state): _____

Owner: _____

Owner Contact (name, phone number): _____

Architect or Engineer: _____

Owner's Representative (name, phone number): _____

Description of Project, Scope of Work Performed: _____

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

QUESTIONNAIRE AFFIDAVT

State of _____

County of _____

_____ being duly sworn,

deposes _____ and says that

he/she is the _____ of _____
(Name of Firm)

and that the answers to the foregoing questions and all statements contained herein are true and correct, and that any owner, bonding company, insurance company, federal, state, or local government, or other agency, named herein is authorized to supply the City of Racine with any information deemed necessary to verify this statement.

Subscribed and sworn to before me this _____ day of _____, 20____

My commission expires _____, 20____

(Notary Public)

APPEAL PROCEDURE

Overview:

Any firm notified that it has been found unqualified to perform work for the City of Racine has the right to file an appeal of the decision within ten business days from the date the notification letter was received via certified mail. Any appeal of a determination that a bidder is not qualified shall be evaluated pursuant to Section 46-40(f) of the Racine Code of Ordinances.

Completing and Submitting an Appeal:

Using the format provided below:

1. Provide the general company and contact information requested.
2. List the reasons for denial of qualification provided in the notification letter and describe a basis for your appeal for each of the reasons you choose to contest.
3. Attach relevant documentation to support the appeal.
4. Appeal packages must be complete when submitted. No additional information or materials will be considered during the appeal review process.
5. Contact the Purchasing Agent at (262) 636-9143 to obtain their email address and then email the appeal and relevant documentation to them. The subject line of the email should read "CONFIDENTIAL – Contractor Pre-Qualification Appeal".

The appeal can also be delivered, or sent via certified mail to:

Purchasing Agent
City of Racine Purchasing Department
730 Washington Avenue
Racine, Wisconsin 53403

Review of the Appeal:

The Purchasing Agent shall review the appeal, aided by members of the Department of Public Works, the Water and Wastewater Utilities, and/or the Parks, Recreation and Cultural Services Department as she or he determines to be appropriate. None of the personnel reviewing the appeal shall have participated in the prior review of the application. The Purchasing Agent and appropriate staff will examine the appeal and the facts surrounding the determination before making a decision. The Purchasing Agent may contact third parties to verify information provided in the application and the appeal, and may consult with the City Attorney during the review. The Purchasing Agent shall render the city's final administrative decision within 30 calendar days of receipt of the appeal.

Firms submitting appeals will not be allowed to submit bids on public works contracts while the appeal is pending.

<p style="text-align: center;">City of Racine Public Works Contractor Pre-Qualification Decision Appeal Form</p>

Date:

Name of Firm:

Date of Notification Letter:

Contact Information:

<p>List reason(s) pre-qualification approval was not granted (as stated in the notification letter) and provide an explanation that can be used to re-evaluate the initial decision. Please attach relevant documentation to support the appeal.</p>

<p>Reason 1:</p>

<p>Explanation:</p>

<p>Reason 2:</p>

<p>Explanation:</p>

<p>Reason 3:</p>

<p>Explanation:</p>

Signature: _____ Date: _____

Affidavit

STATE OF _____

COUNTY OF _____

_____ being duly sworn, deposes and
says that he is the _____ of _____
(Name of firm)

and that the answers to the foregoing questions and all statements therein contained are true and correct, and that any owner, bonding company, or other agency, herein named is hereby authorized to supply the Municipality with any information deemed necessary to verify this statement.

Subscribed and sworn to before me this _____ day of _____, 20 _____

My commission _____, 20 _____
expires _____

(Notary Public)

FILED ORIGINALLY WITH _____
Department Date

PREQUALIFIED BY _____ DATE _____

CLASS OF WORK _____ DESCRIPTION OF JOB _____

LOCATION OF JOB _____ DEPARTMENT _____

APPROVED AS QUALIFIED _____ DATE _____

Utility Director