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RADNOR TOWNSHIP

301 IVEN AVENUE

WAYNE, PENNSYLVANIA 19087-5297

Phone (610) 688-5600

Fax (610) 688-1279

www.radnor.com

WILLIAM M. WHITE

Township Manager

Township Secretary

JOHN B. RICE, ESQ.

Solicitor

KEN FROHLICH

Treasurer

VIA EMAIL (info@repierson.com, kbrennan@repierson.com)

June 14, 2023

Cherri M. DuBois, Assistant Secretary
Richard E. Pierson Construction Co. Inc.
426 Swedesboro Road
Pilesgrove, NJ 08098

**Re: NOTICE OF INTENT TO AWARD
REPLACEMENT OF CHAMOUNIX ROAD CULVERT AND RETAINING WALLS
CONTRACT #B-23-004**

Dear Ms. DuBois:

This letter serves as notification to you, that as the apparent low and responsible bidder for the above contract, and to follow the requirements in Radnor Township's ("Township") Ordinance 2022-08 Responsible Contractor Requirements for Township Contracts ("Ordinance"), you are required to complete and return the following:

- **Subcontractor List** - containing the names of subcontractors that will be used for the referenced project, their addresses, and a description of the work each listed subcontractor will perform on the project.
- **Subcontractor Responsibility Certifications** for all listed subcontractors. (Attached)
- Documentation demonstrating that all listed subcontractors participate in a Class A Apprenticeship Program 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. (Samples Attached)
- If no subcontractors will be utilized on the project, please note "NOT APPLICABLE" on the Subcontractor Responsibility Certificate and Attachment 1.

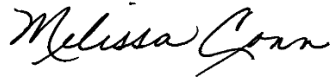
These documents must be returned to the Township (to Melissa Conn, Administrative Services Coordinator, at mconn@radnor.org) by close of business on **Wednesday, June 28, 2023**.

Bidders are reminded that all craft labor that will be employed by the Contractor for the Improvements have completed the OSHA 10-hour training course for safety established by the U.S. Department of Labor, Occupational Safety & Health Administration. If the Contractor is a prime contractor, it shall also

ensure that at least one person on the Improvements has completed the OSHA 30-hour construction training course established by the U.S. Department of Labor.

This notice of intent to award is conditioned upon a determination that the subcontractors are qualified under the Ordinance and acceptable documentation is provided demonstrating compliance with the requirement for craft labor workers as stated above. Any award for this contract is conditioned on the issuance of a written Contractor Responsibility Determination.

Sincerely,

A handwritten signature in black ink that reads "Melissa Conn". The signature is written in a cursive, flowing style.

Melissa Conn
Administrative Services Coordinator

Enclosures

cc: Engineering Department

SUBCONTRACTOR RESPONSIBILITY CERTIFICATION

WHEREAS, _____, (hereinafter the "Subcontractor") intends to enter into a subcontract with RICHARD E. PIERSON CONSTRUCTION CO. INC. (hereinafter the "Contractor") for the

REPLACEMENT OF CHAMOUNIX ROAD CULVERT AND RETAINING WALLS (CONTRACT #B-23-004)
(hereinafter the "Improvements") with RADNOR TOWNSHIP (hereinafter the "Owner") to provide materials and perform labor as required by the Contractor.

NOW THEREFORE, it is hereby stipulated and agreed, as part of said contract, that the Subcontractor confirms the following facts regarding its past performance and work history and its current qualifications and performance capabilities:

- (1) The Subcontractor 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 designated locale; and
 - (b) perform the contract work it seeks to perform. These shall include, but not limited to, licenses, registrations or certificates for any type of construction or maintenance trade work or specialty work which the Subcontractor proposes to self-perform.
- (2) The Subcontractor meets the bonding requirements for the Improvements, as required by applicable law or contract specifications and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers compensation insurance and unemployment insurance.
- (3) The Subcontractor has not been debarred or suspended by any federal, state or local government agency or authority in the past three years.
- (4) The Subcontractor has not defaulted on any project in the past three (3) years.
- (5) The Subcontractor has not had any type of business, contracting or trade license, registration, or other certification revoked or suspended in the past three (3) years.
- (6) The Subcontractor and its owners have not been convicted of any crime relating to the contracting business in the past ten (10) years.
- (7) The Subcontractor has not within the past three (3) 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, 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 \$1,000 or more.
- (8) The Subcontractor will pay all craft employees that it employs on the Improvements the current wage rates and fringe benefits as required under applicable federal, state or local wage laws.
- (9) All craft labor that will be employed by the Subcontractor for the Improvements have completed the OSHA 10-hour training course for safety established by the U.S. Department of Labor, Occupational Safety & Health Administration. If the Contractor is a prime contractor, it shall also ensure that at least

one person on the Improvements has completed the OSHA 30-hour construction training course established by the U.S. Department of Labor.

- (10) The Subcontractor will employ craft employees in all classifications and individual trades required to successfully perform the work related to the Improvements.
- (11) The Subcontractor participates in a Class A Apprenticeship Program 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 Improvements.
 - (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 (3) of the past five (5) years. This may be an apprenticeship program subject to the Employee Retirement Income Security Act of 1974 (ERISA), or a non-ERISA program.
 - (b) To demonstrate compliance with this section, the Subcontractor shall provide a list of all trades or classifications of craft employees it will employ on the Improvements and documentation verifying it participates in a Class A Apprenticeship Program for each trade or classification listed (Attachment 1).
- (12) The Subcontractor 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 subcontractors.
- (13) The Subcontractor will maintain all qualifications, resources and capabilities referenced in this Subcontractor Responsibility Certification (hereinafter the "Certification") throughout the duration of the project.
- (14) The Subcontractor shall notify the Contractor and Owner within seven (7) days of any material changes to all matters attested to in this certification.
- (15) The Subcontractor understands that this Certification shall be executed by a person who has sufficient knowledge to address all matters in this Certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.
- (16) The Subcontractor shall ensure that at least seventy (70) percent of the craft labor workers employed on the Improvements shall be comprised of either journeyperson workers who have successfully completed a Class A Apprenticeship Program as defined in item 11 of this Certification or apprentices registered in such program, in the same trade or craft for which the workers are employed on the Improvements.

The Subcontractor acknowledges that the execution of this Certification required by Ordinance 2022-08 (hereinafter the "Ordinance") shall not establish a presumption of contractor responsibility and the Contractor and Owner may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including technical qualifications, financial capacity or other resources and performance capabilities.

If the Subcontractor has ever operated under another name or controls, is controlled by another company or business entity or in the past five (5) 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 a separate statement to this Certification that explains in detail the nature of any such relationship and shall provide any additional information as may be required from such an entity if the relationship in question could potentially impact contract performance.

I state that _____ (“Subcontractor”) understands and acknowledges that the above representations are material and important, and will be relied on by the Contractor and Owner for the Improvements. I understand and my firm understands that any misstatement in this Certification is and shall be treated as fraudulent concealment from the Contractor and Owner of the true facts relating to the submission of this bid.

(Signature)

(Signatory's Name)

(Signatory's Title)

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY OF _____ 20____

Notary Public My Commission Expires _____

Attachment 1

CONTRACT NAME: REPLACEMENT OF CHAMOUNIX ROAD CULVERT AND RETAINING WALLS

CONTRACT NUMBER: CONTRACT #B-23-004

CONTRACTOR NAME: RICHARD E. PIERSON CONSTRUCTION CO.INC.

SUBCONTRACTOR NAME: _____

The following trades or classifications of craft employees are required by and will be employed on the Improvements:

| NAME OF TRADE OR CLASSIFICATION | PARTICIPATION IN CLASS A REGISTERED APPRENTICESHIP PROGRAM |
|---------------------------------|------------------------------------------------------------|
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Include documentation of apprenticeship programs for each trade (if applicable) with Attachment 1. See Appendix C for sample documentation.