

REDEVELOPMENT ASSISTANCE TO CAPITAL PROGRAM REQUIREMENTS SPECIFIC TO CONTRACTOR

- Pennsylvania Prevailing Wage
- Pennsylvania Steel Certification
- Pennsylvania Trade Practices Act
- Payment and Performance Bond
- Insurance

Pennsylvania Prevailing Wage.

The selected contractor and their sub-contractors will be subject to Pennsylvania Prevailing Wage.

Documentation of PA Prevailing Wage for all laborers on project will have to be submitted for review.

Project will apply for a wage determination that will be a part of the awarded construction contract.

The wage determination sheet will provide the necessary trade classifications for the project, along with their corresponding hourly wage and hourly fringe rates that are required for the certified payrolls required as part of RACP. To view current Pennsylvania Prevailing Wage worker classifications and wage rates visit:

<https://www.dli.pa.gov/Individuals/Labor-Management-Relations/llc/prevailing-wage/Pages/Prevailing-Wage-App.aspx>

Select "Prevailing Wage Determination Search" Insert "Delaware County" and a current time frame, then click on one of the determinations. Escalations in rate are pre-determined.

Pennsylvania Steel Certification.

The selected contractor will be responsible to adhere to Pennsylvania Steel Certification.

Structural - Pennsylvania requires all structural steel on an RCAP construction project will be made and milled in the United States. Steel Mill certificates that attest to where the steel was procured and melted will be required on all structural steel products on or before delivery of those products.

Non-Structural – For steel that is not structural, Pennsylvania will allow properly filled out ST-2 and ST-3 forms only. These certifications must be provided for all products/materials that have steel components and the ST forms must be provided no later than delivery of product.

Other instances – Pennsylvania will allow written requests for exemption from steel certification only for products listed on the Pennsylvania Department of General Services current Exemption List. Written requests must be on the Vendor's letterhead, paper copy, detailing the product(s) for which the exemption is requested and provided upon delivery at the latest.

Examples of Steel Mill Certificates, ST forms and Exemption Requests can be made available upon request.

Trade Practices Act.

This construction project will have to comply with the Trade Practices Act of July 23, 1968, P.L. 686 (71 P.S. § 773.101 et seq.), this construction project cannot and shall not use or permit to be used in the work any aluminum or steel products made in a foreign country which is listed below as a foreign country which discriminates against aluminum or steel products manufactured in Pennsylvania. The countries of Argentina, Brazil, South Korea, and Spain have been found to discriminate against certain products manufactured in Pennsylvania.

A full list of the barred products can be made available upon request.

Payment and Performance Bond.

A performance bond must be obtained by the selected contractor for 100% of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications, and conditions of the contract. Such bond shall be solely for the protection of the contracting body which awards said contract.

Such bond shall be solely for the protection of claimants supplying labor or materials to the Grantee, its contractor or to any of its subcontractors, in the prosecution of the work provided for in such contract and shall be conditioned for the prompt payment of all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

Insurance.

Selected Contractor will have to obtain insurance naming Commonwealth of Pennsylvania as Additional Insured –

Worker's Compensation Insurance - provide Worker's Compensation Insurance where required, and shall accept full responsibility for the payment of premiums for Worker's Compensation Insurance and Social Security, as well as income tax withholding and any other taxes or payroll deductions required by law for its employees who are performing services related to the project.

General Liability & Property Damage Insurance - provide and maintain comprehensive general liability and property damage insurance in the minimum amount of \$250,000.00 per person for injury and death in a single occurrence; \$1,000,000.00 per occurrence for injury or death of more than one (1) person in a single occurrence; and \$500,000.00 for a single occurrence of property damage, and which shall be endorsed to protect the commonwealth.

Identify Commonwealth as Additional Insured:

Commonwealth of Pennsylvania
Redevelopment Assistance Capital Program
Bureau of Revenue, Capital and Debt
Office of the Budget
Commonwealth of Pennsylvania
333 Market Street, 18th Floor
Harrisburg, PA 17101-2210

October 22, 2019

Compliance with Redevelopment Capital Assistance Program for GC level.

This is what is known and meant to cover a majority of the items the GC will need to fulfill for project to receive funding. This does not include any changes that can be made to policy or legislation during construction period, but rather based on historical use of the program. Additional requirements may be made of the GC depending on project, policy or legislation. This is a guide, not an absolute.

1)

Payment and Performance Bond

The requirement for 100% payment and performance (P&P) bonds is a state law; the Office of the Budget cannot waive this requirement.

A performance bond must be obtained at 100% of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications, and conditions of the contract. Such bond shall be solely for the protection of the contracting body which awarded said contract.

A payment bond must be obtained at 100% of the contract amount. Such bond shall be solely for the protection of claimants supplying labor or materials to the Grantee, its contractor or to any of its subcontractors, in the prosecution of the work provided for in such contract, and shall be conditioned for the prompt payment of all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

2)

Insurance

- Worker's Compensation Insurance - provide Worker's Compensation Insurance where required, and shall accept full responsibility for the payment of premiums for Worker's Compensation Insurance and Social Security, as well as income tax withholding and any other taxes or payroll deductions required by law for its employees who are performing services related to the project.
- General Liability & Property Damage Insurance - provide and maintain comprehensive general liability and property damage insurance in the minimum amount of \$250,000.00 per person for injury and death in a single occurrence; \$1,000,000.00 per occurrence for injury or death of more than one (1) person in a single occurrence; and \$500,000.00 for a single occurrence of property damage, and which shall be endorsed to protect the commonwealth.

Identify Commonwealth as Additional Insured:

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3)

Identification of Sub-Contractors

You will need to provide a list to the State Assigned Consultant of all Sub-Contractors. Company, Primary Contact, Address, Phone, and Trade. Make sure they are not debarred by PA.

4)

Construction Responsibility Task Chart.

You will need to provide a responsibility task chart to the State Assigned Consultant. Example Form attached.

5)

Submittal Logs

State assigned consultant will want to view all submittal logs for the project. We will determine with state consult how they want them delivered.

6)

Meeting Minutes

State Consult will also want to review your construction meeting minutes. Determination to be made on how state consult wants them delivered.

7)

Contractor AIA Invoices

Contractor AIA invoices with continuation sheets in full. State Consult will want to view them. Delco RDA will need them to prepare reimbursement request to the state. AIA document or type document should be filled in full, continuation sheets are a MUST, and should be signed off by Architect.

8)

Change Orders

All change orders for the project will have to be reviewed by State Consult. Delco will need them for reimbursement submission to state. Change Orders should be explanatory, and include Contractor and Project Owner signatures plus date.

9)

Project Photos

State Consult will need to view photos of the project process (no live feed). They do not need them everyday, just at the points of construction review meetings.

- WILL NEED AT LEAST ONE PHOTO OF SIGN WITH RCAP GOVERNOR WOLF REQUIREMENT

***** SUB CONTRACTOR COMPLIANCE NEEDED ON THE NEXT FEW ITEMS*****

10)

Steel Act and Trade Act Requirements

The Steel Act trumps The Trade Act.

Trade Act lists a plethora of steel products from a few countries that are not allowable by law to be used in an RCAP project. See PA Office of the Budget Key Compliance Guidelines Attached.

As GC you will be required to collect certain information on steel products for the project.

Below is an example of wording you may choose or choose not to use in your sub-contracts:

"The Project to which the steel procurement will be covered by contract is being assisted by the Commonwealth of Pennsylvania through the Redevelopment Assistance Capital Program (RCAP). Neither the Commonwealth of Pennsylvania, nor any of its departments, entities, or employees will be a party to the contract. The following RCAP provisions are presented below as they relate to Steel Certification only. These are contractually obligated requirements that must be met in order for the project to receive grant funding.

Structural - Pennsylvania requires all structural steel on an RCAP construction project will be made and milled in the United States. **Steel Mill certificates that attest to where the steel was procured and melted will be required on all structural steel products on or before delivery in order to receive payment for those products.** (An example of a proper and improper mill certs are attached)

Non-Structural – For steel that is not structural, Pennsylvania will allow properly filled out ST-2 and ST-3 forms only. **These certifications must be provided for all products/materials that have steel components and the ST forms must be provided no later than delivery of product in order to receive payment.** (examples of ST-2 and ST-3 attached)

Other instances – Pennsylvania will allow written requests for exemption from steel certification only for products listed on the Pennsylvania Department of General Services current Exemption List. **Written requests must be on the Vendor's letterhead, paper copy, detailing the product(s) for which the exemption is requested and provided upon delivery in order for vendor to receive payment.** (exemption letter example and current PA DGS Exemption List attached)

In addition to the above, the following countries have been found to discriminate against aluminum and/or steel products manufactured in Pennsylvania. In accordance with the Pennsylvania Trade Practices Act of 1968, for this project, it is not allowable for vendor to provide aluminum or steel products that originate in the following countries: Argentina, Brazil, South Korea, and Spain."

(NOTE: This is an all inclusive generalization of barred products, you may substitute with actual product list that is barred by country in the PA Trade Act – see full list in Key Compliance Guidelines)

11)

Pennsylvania Prevailing Wage

More suggestions/sample wording for your subcontracts:

“The Project to which the construction will be covered by contract is being assisted by the Commonwealth of Pennsylvania through the Redevelopment Assistance Capital Program (RCAP). Neither the Commonwealth of Pennsylvania, nor any of its departments, entities, or employees will be a party to the contract. The following RCAP provisions are presented below as they relate to Pennsylvania Prevailing Wage only. This is a contractually obligated requirement that must be met in order for the project to receive grant funding.”

“In order for contractor to be paid, their WEEKLY PAYROLL CERTIFICATION” sheets must be completed in full to receive payment”

Also consider inserting the Prevailing Wage Determination into your contracts!

Registering the Project:

<http://www.dli.pa.gov/Individuals/Labor-Management-Relations/llc/prevailing-wage/Pages/Prevailing-Wage-App.aspx>
click on “Prevailing Wage Determination Request Form”

Quick Links:

<http://www.dli.pa.gov/Individuals/Labor-Management-Relations/llc/prevailing-wage/Pages/Quick-Links.aspx>

Includes:

Certified Payroll Certificate – aka Weekly Payroll Sheets

Notes as referenced in Pre-Determination – aka Definitions of Worker Classifications (Delco always 5)

Be mindful of escalation. Escalation in pay typically occurs on May 1. Pre-Listed in Determination, workers of classes with escalation should be paid the escalation rate.

Only exception is “Owner”. Owner is not subject to PAPW only if they are a sole proprietor. LLCs and companies with 2 or more employees need to comply with PAPW.

First and Last week of Payroll MUST be notarized. Weeks a contractor has no work, should still be documented on PAPW – strikethrough – no work with dates.

PDF Version of RACP Webpage (version 2/11/16)
Commonwealth of PA – Office of Budget – Bureau of Revenue, Capital & Debt
Redevelopment Assistance Capital Program (RACP)

[Budget](#) > [Programs](#) > [RACP](#) > [Compliance Guidelines](#)

KEY COMPLIANCE GUIDELINES

[A printer friendly PDF version of this webpage is available.](#)

It is suggested that a copy of this complete document be given to your Project, Construction Manager, and/or Architect so that they are fully aware of the RACP requirements related to each. This document should be included in your bid packages, and should be made an addendum to any and all construction contracts, plans and specifications related to the RACP project.

Compliance with all RACP requirements, including the key items in these guidelines will be monitored frequently throughout the construction phase of your project and will be reviewed once more during the legislatively mandated close-out audit.

COMPETITIVE BIDDING REQUIREMENTS

The sole and exclusive bidding requirement for RACP projects is in the Capital Facilities Debt Enabling Act (Act 67 of 2004), which states "Notwithstanding any other provision of law, the solicitation of a minimum of three written bids for all contracted construction work on redevelopment assistance capital projects shall be the sole requirement for the composition, solicitation, opening and award of bids on such projects." Unless the terms of the law change, the Office of the Budget cannot grant waivers for bidding requirements to Grantees.

RACP projects are not subject to separation of trades. You are **REQUIRED** to solicit a minimum of three (3) bids for "all generally contracted work" being performed within the RACP defined scope of work. You are not required to receive three (3) bid responses. However, you should provide documentation to prove that at least three bids were solicited by providing copies of the solicitation letters (preferably on letterhead of the bidding entity) used in the bidding process. You are not required to select the lowest bidder, but if you do not, you will have to provide a brief written justification for your selection. Note: there is **NO** threshold level under the RACP program regardless of the size or dollar amount associated with the work to be performed. You need to show that you solicited a minimum of three (3) bids for any contract to be eligible for RACP.

Bidding is acceptable at either the general contractor level (described in option a. below) or at the sub-contractor level (described in option b. below):

- **General Contractor (GC) Level** - If you chose to bid at the GC level, please note that the bid should encompass the entire RACP scope of work to be performed including all associated construction work. The dollar amount bid on the project must include 100% of the work to be performed by the GC and the sub-contractors. Bidding at the GC level will require submission of bidding and construction related documents at the GC level only (see Sub-Contractor level below for a distinction)
- **Sub-Contractor Level** - If you choose not to solicit three bids for a General Contractor, then you are required to solicit a minimum of three bids for EACH Sub-Contractor covering all trades involved in the project. Note that any self-performed work by a non-bid GC is NOT an eligible cost for reimbursement OR match purposes. Bidding at the Sub-Contractor level will require submission of bidding and construction related documents at the sub level...meaning proof of bidding, construction contracts, payment and performance bonds, insurance etc. will need to be provided for every sub-contractor in the RACP scope.

Professional Services: Professional services associated with the project are not required to be bid as these associated costs are only eligible as match.

Change Orders: Grantees and/or Sub-Grantees are not required to competitively bid out change orders as long as the work was within the RACP scope of the original bid and is less than 20% of the total contract. If a change order is for work beyond the RACP scope of work originally bid, the Grantee will be required to competitively bid out the new scope of work in order to be considered RACP eligible.

PENNSYLVANIA STEEL PROCUREMENT ACT

The Office of the Budget cannot grant waivers to the Pennsylvania Steel Procurement Act unless the terms of the law change. All Grantees must comply with the Steel Procurement Act. If a Grantee fails to abide by the Pennsylvania Steel Procurement Act, it does so at its own risk.

[A full explanation on the RACP steel requirements is available as a PDF download.](#)

In the past, OB only accepted the ST-4 Form (justification for the use of foreign steel) that the Department of General Services (DGS) has exclusively devised to address exceptions linked to the requirements of the Steel Products Procurement Act when it was necessary. Recently, OB has approved the acceptability of two more DGS ST Forms (ST-2, ST-3) with some caveats, providing that the forms are properly filled out. The ST-1 Form will not be accepted by the Office of the Budget. It is not necessary for the ST-2, ST-3, and ST-4 Forms to be notarized.

Effective January 1, 2013 the Office of the Budget utilizes the DGS Exempt Machinery and Equipment Steel Products listing as part of our steel policy. The Department of General Service (DGS) published a Statement of Policy- Steel products procurement in the Pennsylvania Bulletin Volume 43, Number 6 dated February 9, 2013 (See PA

Bulletin #43, pages 85-86) that discusses the exemption of certain steel products, based on their analysis of ST-4 forms submitted that list products not produced domestically in sufficient quantity. The DGS publishes an updated "Exemption List" annually.

Please be aware that ST forms are acceptable only in cases where nonstructural steel needs to be addressed. The DGS ST forms do not replace the steel certification forms associated with structural steel. The Office of the Budget will continue to require that steel mill certifications be submitted to demonstrate compliance with the steel requirements.

The DGS website has fill-in PDF copies of the three acceptable ST Forms:

- ST-2 Steel Origin Certification: Non-Identifiable, Non-Structural Steel
- ST-3 75% U.S. Manufacture Certification
- ST-4 Not Domestically Manufactured: Prime Contractor (only to be used when requesting items to be exempted that are not found on the current year's List of Exempt Machinery and Equipment Steel Products)

It is suggested that the certifications be collected at the time any steel for the project is purchased and delivered for the project to ease the collection process.

Be advised that the Office of the Budget DOES NOT need to approve the ST forms prior to the start of the construction period. The ST forms need to be submitted to demonstrate that compliance, when and where necessary, has been met.

We shall deem as ineligible all contracts that are unable to demonstrate compliance via the submission of steel certifications/ST forms. Therefore, the value of construction contracts associated with non-compliant steel will be removed (both materials and labor costs) from the scope of the project, which may in turn affect the project ability to leverage their full grant amount (project may not receive its full grant).

Recycled products, melted from previously used steel, are acceptable, providing that adequate documentation from the supplier has been furnished. The supplier shall certify that the recycled steel product was produced in the USA.

TRADE PRACTICES ACT

In accordance with the Trade Practices Act of July 23, 1968, P.L. 686 (71 P.S. § 773.101 et seq.), the Grantee cannot and shall not use or permit to be used in the work any aluminum or steel products made in a foreign country which is listed below as a foreign country which discriminates against aluminum or steel products manufactured in Pennsylvania. The countries of Argentina, Brazil, South Korea, and Spain have been found to discriminate against certain products manufactured in Pennsylvania. Therefore, the purchase or use of those countries' products, as listed below, is not permitted:

- **Argentina:** carbon steel wire rod and cold-rolled carbon steel sheet.
- **Brazil:** welded carbon steel pipes and tubes; carbon steel wire rod; tool steel; certain stainless steel products, including hot-rolled stainless steel bar; stainless steel wire rod and cold-formed stainless steel bar; pre-stressed concrete steel wire strand; hot-rolled carbon steel plate in coil; hot-rolled carbon steel sheet; and cold-rolled carbon steel sheet.
- **South Korea:** welded carbon steel pipes and tubes; hot-rolled carbon steel plate; hot-rolled carbon steel sheet; and galvanized steel sheet.
- **Spain:** certain stainless steel products, including stainless steel wire rod, hot-rolled stainless steel bars; and cold-formed stainless steel bars; pre-stressed concrete steel wire strand; and certain steel products, including hot-rolled steel plate, cold-rolled carbon steel plate, carbon steel structural shapes; galvanized carbon steel sheet, hot-rolled carbon steel bars, and cold-formed carbon steel bars.

Penalties for violation of the above paragraphs may be found in the Trade Practices Act, which penalties include becoming ineligible for public works contracts for a period of three years.

This provision in no way relieves the Grantee of responsibility to comply with those provisions which prohibit the use of foreign-made steel and cast iron products.

PUBLIC WORKS CONTRACTORS' BOND LAW (PAYMENT & PERFORMANCE BONDS)

The requirement for 100% payment and performance (P&P) bonds is a state law; the Office of the Budget cannot waive this requirement.

A performance bond must be obtained at 100% of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications, and conditions of the contract. Such bond shall be solely for the protection of the contracting body which awarded said contract.

A payment bond must be obtained at 100% of the contract amount. Such bond shall be solely for the protection of claimants supplying labor or materials to the Grantee, its contractor or to any of its subcontractors, in the prosecution of the work provided for in such contract, and shall be conditioned for the prompt payment of all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

PA PREVAILING WAGE ACT

The Office of the Budget cannot grant waivers for the PA Prevailing Wage Act. All Grantees must comply with the act. Grantees that fail to abide by the Prevailing Wage Act do so at their own risk. Please do not assume that PA Prevailing Wage is always consistent with your local union wages.

All projects should apply for a wage determination letter prior to the start of construction by registering the project with the PA Department of Labor and Industry to obtain the prevailing wage rates relevant to your project. This determination sheet will provide the necessary trade classifications for the project, along with their corresponding hourly wage and hourly fringe rates that are required for the certified payrolls required as part of RACP. The wage determination should be obtained within 120 days of the award of construction contracts. If necessary, the Department of Labor and Industry can issue determinations letters after construction has begun.

The prevailing wage information and forms can be found on-line at the following web address: [Visit the Labor & Industry website to access prevailing wage information and forms.](#)

AMERICANS WITH DISABILITIES ACT (ADA)

Typically your architect should provide a letter stating the plans and specs are in compliance with ADA regulations. Additionally, the Grantee agrees to comply with the General Prohibitions Against Discrimination, 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to all benefits, services, programs, and activities provided by the commonwealth through contracts.

FIDELITY BONDS

The Grantee shall procure and furnish evidence to OB of fidelity bonds with coverage to be maintained under the administrative title of the position in amounts and for such positions as are reasonably determined by OB. Fidelity Bonding is also commonly known as "Employee Dishonest Insurance." The minimum level of coverage should equal the average monthly RACP reimbursement amount based on the total grant amount.

INSURANCE REQUIREMENTS

- Worker's Compensation Insurance - The Grantee shall provide Worker's Compensation Insurance where required, and shall accept full responsibility for the payment of premiums for Worker's Compensation Insurance and Social Security, as well as income tax withholding and any other taxes or payroll

deductions required by law for its employees who are performing services related to the project.

- General Liability & Property Damage Insurance - The Grantee will provide and maintain comprehensive general liability and property damage insurance in the minimum amount of \$250,000.00 per person for injury and death in a single occurrence; \$1,000,000.00 per occurrence for injury or death of more than one (1) person in a single occurrence; and \$500,000.00 for a single occurrence of property damage, and which shall be endorsed to protect the commonwealth.
- Flood Insurance – If the project is wholly or partially within a floodplain, proof of sufficient flood insurance coverage must be provided. In any case, a project is required to provide a copy of a floodplain map of the project area, with the project site being delineated thereon.

Identify Commonwealth as Additional Insured: The commonwealth shall be listed on the above insurance policies as an additional insured. Upon request, the Grantee shall furnish proof of insurance as required by this section to OB.

RESTRICTIONS ON GOVERNMENTAL ENTITIES SELLING RACP PROJECTS

Article 8 of the RACP Grant Agreement spells out sale price restrictions for a governmental entity that sells property that was acquired and/or improved with RACP funds. The restrictions are required to insure that the Grantees CANNOT sell the property for a net gain or even recoup the value of the grant in the sale price. [A PDF download is available that contains more information on Article 8.](#)

CONSTRUCTION MANAGEMENT TASKS RESPONSIBILITY
FRANKLIN MINT

Item #	Description of Function	Responsible for Function (X)					Responsible Individual	Comments or Notations
		O	A/E	CM	SI	C		
1.	Quality Control/ Inspection							
2.	Shop Drawing Review							
3.	Submittal Review							
4.	Change Order Management							
5.	Testing							
6.	Site Supervision							
7.	Scheduling							
8.	Progress Tracking and Reporting							
9.	Cost Control and Cash Flow							
10.	Design Liaison							
11.	Resolve Field Problems							
12.	Daily Documentation and Project Files							
13.	Project Review Meetings (on site)							
14.	Contractor's Progress Payments							
15.	Document Cost Claims							
16.	Safety							

Legend:

- O Owner
- A/E Architect/Engineer
- CM Construction Manager
- SI Special Inspection
- C Contractor

**GUIDANCE ON STEEL CERTIFICATION RELATIVE TO THE
REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP)**

Updated July 2016

The following guidance is a clarification from the Office of the Budget (OB) regarding the requirements associated with the Steel Products Procurement Act relative to the RACP program whose statutes are regulated under Act 1 of 1999, as amended. In the past, many a grantee has inquired about specific cases and we were able to provide each individual project with specific directions. Additionally, we had only accepted the ST-4 form that the Department of General Services (DGS) has exclusively devised to address exceptions linked to the requirements of the Steel Products Procurement in the handling of special cases or exceptions. Please note that cost consideration (or convenience) is not an acceptable justification that the ST-4 form can address. Filled out ST-4 forms premised on cost consideration will not be accepted by the Office of the Budget.

Effective immediately, we have decided to accept two more DGS ST forms (ST-2, ST-3) with some caveats, providing that the forms are properly filled out. The ST-1 form is NOT a valid option and shall NOT be accepted by the Office of the Budget. It is not necessary for the ST-2, ST-3, and ST-4 forms to be notarized. Please, be advised that this guidance is specifically tailored to suit the published and programmatic needs of the Office of the Budget as the overseer of RACP program. This is not a commonwealth-wide policy. Any attempt to impose this guidance on other state agencies is strongly discouraged.

Please, be aware that the aforementioned ST forms are acceptable only in cases where non-structural steel needs to be addressed. The DGS ST forms do not replace the steel certification forms associated with structural steel. It remains the responsibility of the project representatives to provide documented evidence that a non-structural steel product is not domestically produced in sufficient quantities.

The Office of the Budget shall continue to require that steel mill certifications be submitted to demonstrate compliance with the steel requirements. Please, be further advised that the Office of the Budget DOES NOT need to approve the ST forms prior to the start of the construction period. The ST forms need to be submitted to demonstrate that compliance, when and where necessary, has been met. The ST forms exceptions are displayed below. Please, contact us if you have any questions.

Effective January 1, 2013 the Office of the Budget utilizes the DGS Exempt Machinery and Equipment Steel Products listing as part of the RACP steel policy. The Department of General Service (DGS) published a Statement of Policy - Steel Products Procurement in the Pennsylvania Bulletin Volume 43, Number 6 dated February 9, 2013 (See PA Bulletin #43, pages 85-86) that discusses their production of an annual list, based on their analysis of submitted ST-4 forms, which exempts certain steel products not produced domestically in sufficient quantity.

No other changes in RACP steel policy resulted from this new adjustment; consequently, the use of steel certificates for structural steel will still be required. Please note that the use of ST 2,

3, and 4, as requested for other steel products, will still be utilized unless an exemption based on the list has been formulated and forwarded to OB.

RACP Policy for Compliance with the Steel Products Procurement

Act: Two distinct approaches are presented below:

Structural Steel Products

Pursuant to the Steel Products Procurement Act, the Office of Budget will require a mill certificate containing the statement “milled, melted, and manufactured in the USA” for all structural steel products used on RACP projects. We shall deem as ineligible all contracts that are unable to demonstrate compliance via the submission of steel certifications. Therefore, the value of construction contracts associated with non-compliant steel will be removed (both materials and labor costs) from the scope of the project.

Non-Structural Steel Products

Pursuant to the Steel Products Procurement Act, the Office of Budget will require, either, a mill certificate containing the statement “milled, melted, and manufactured in the USA” or the appropriate ST form or an **Exemption Request** to utilize the DGS current years’ Final List of Exempt Machinery and Equipment Steel Products to demonstrate compliance associated with the non-structural steel products used on RACP projects. We shall deem as ineligible all contracts that are unable to demonstrate compliance via the submission of steel certifications/ST forms/**Exemption Request** based on the DGS Exempt Machinery and Equipment Steel Products listing. Therefore, the value of construction contracts associated with non-compliant steel will be removed (both materials and labor costs) from the scope of the project.

Recycled products, melted from previously used steel, are acceptable, providing that adequate documentation from the supplier has been furnished. The supplier shall certify that the recycled steel product was produced in the USA.

Furthermore, the burden of proof for all non-structural steel products not produced domestically in sufficient quantities is still the project’s responsibility to provide.

Please be kindly aware that the acceptance of ST forms is contingent upon the form being fully filled-in and compliant with the submission guidelines for steel certifications for DGS projects (see attached) with the following exceptions:

- A. It is not necessary for the forms to be notarized. We must receive the ST with original signatures.
- B. Any questions regarding steel certification submissions and/or compliance with the Act shall be submitted to the Office of Budget (Elias Joseph ejoseph@pa.gov).
- C. The Steel certification forms do NOT need to be submitted and approved by the

Office of Budget before the steel product arrives on site so as not to interfere with the project construction schedule.

- D. Void in the entirety.
- E. The Office of Budget assumes responsibility for acceptance of the DGS ST forms in accordance with this policy.

Completion of the ST-2, ST-3, and ST-4 forms shall follow the DGS directions attached to the form with the following exceptions:

- o ST forms do NOT need to be submitted and approved by the Office of Budget before the steel product arrives on site so as not to interfere with the construction schedule.
- o RACP ME# assigned to the project shall be inserted in all areas requiring the DGS contract number (Line #5).
- o RACP project name shall be inserted in all areas requiring the contract title (Line #6).
- o All reference to GSC-23 shall be void (Line #8).

Note:

Acceptance of each ST form shall be determined by the Office of the Budget at its sole discretion. All documents and other information to be delivered in order to demonstrate compliance with the steel requirements shall be and are, in form, content and substance, subject to the approval of the Office of the Budget, which approval may be withheld or delayed at OB's discretion. The Office of the Budget reserves the right to reject all improperly filled out or unsupported ST forms.

The DGS website has fill-in PDF copies of the three acceptable ST Forms:

- ST-2 Steel Origin Certification: Non-Identifiable, Non-Structural Steel
- ST-3 75% U.S. Manufacture Certification
- ST-4 Not Domestically Manufactured: Prime Contractor (only to be used when requesting items to be exempted that are not found on the current year's List of Exempt Machinery and Equipment Steel Products)

To implement the RACP policy on Non-structural Steel Exemption Request utilizing the DGS's current years' Final List of Exempt Machinery and Equipment Steel Products, referred to as the "Exemption List", please follow the below requirements:

1. The Project must be under "active" construction (workers on site) on or AFTER 1/01/2013 (RACP effective date) to use the "Exemption List".
2. "Active" construction does not include performance of just "punch list" items.
3. Effective date is based on the "active" construction date and not the date the machinery and equipment was purchased.
4. There is no retroactive application of utilization of the "Exemption List".
5. No ST4 form is required for a RACP Exemption Request based on the "Exemption List".
6. RACP Exemption Request (to utilize the "Exemption List") must come from a contractor involved in the construction of the project and be:

- On Construction Company Letterhead.
- Dated and Signed by appropriate company official (does not need to be notarized).
- Lists any/all machinery and equipment that the Company is requesting to have exempted from ST4 documentation.
- All items listed on RACP Exemption Request letter must clearly match-up to an item on the “Exemption List”.
- There can/may be multiple construction company RACP Exemption Request letters utilized for various machinery and equipment, as applicable, per project.
- Exemption Request can be submitted directly by the project or through the State Assigned Consultant for their project.
- Exemption Request should be sent to the Office of the Budget. Any questions regarding the exemption request submission and/or compliance with the Act shall also be submitted to the Office of Budget, to the attention of Elias Joseph ejoseph@pa.gov.

Among other items, the DGS web page for Steel Products Procurement Act information includes links for a copy of the Act; the current year’s Final List of Exempt Machinery and Equipment Steel Products; the PA Bulletin’s Steel Products Procurement Act Statement of Policy; and Frequently Asked Questions.

Please be aware that all other steel items not specifically exempted or that may require any type of interpretation would be discretionary to OB’s policy. Be reminded that this exemption listing is not effective for structural steel.

Note:

Acceptance of each Exemption Request shall be determined by the Office of the Budget at its sole discretion. All documents and other information to demonstrate compliance with the steel requirements shall be in form, content and substance, subject to the approval of the Office of the Budget, which approval may be withheld or delayed at OB’s discretion. The Office of the Budget reserves the right to reject all improperly filled out or unsupported Exemption Request.

RECEIVED
AUG 23 2008

Steel Dynamics, Inc.
Structural and Roll Division • Columbus, OH, Indiana

Quality Steel 100% EAF Melted
Manufactured in the USA

CERTIFIED MILL TEST REPORT

Customer # 000374

Date: 07/07/2008

Ship to:
Durrett Sheppard Steel
8800 E. Baltimore Street
Baltimore MD, 21224 US
Attn: Mildred Boyd

Ship to:
DURRETT SHEPPARD STEEL
8800 E. Baltimore Street
Baltimore MD, 21224 US
Attn: Mildred Boyd

GENERAL INFORMATION

Product Wide Flange Beam

Size W 10 x 48
W 250 x 73

Heat Number B045521
Condition(s) As-Rolled
Fine Grained
Fully Killed

SPECIFICATIONS

Standards
ASTM A572/A572M
ASTM A992/A992M - 05a
ASTM A709/A709M - 05a
ASTM A572/A572M - 05
CSA G40 21-04

SHIPMENT DETAILS

Bundle / ASN # Length pcs Customer PO
021109379 40' 0" 4 97-35362

Grades
A992 / A992M
A709 50S/50S45S
A572 50S/50S45
50W/50W

C	Min	P	S	SI	Mn	Cr	Mo	Sn	V	Nb/Cb	N	B	*C1	*C2	*PC	%I	Analysis Type
.05	1.03	.015	.036	.22	.33	.12	.037	.012	.032	>.001	.0072	.0003	.29	.33	.14	5.80	Heat

CHEMICAL ANALYSIS (weight percent)

MECHANICAL TESTING

Test	Yield (fy) Strength	Tensile (fu) Strength	fy/fu ratio	%Elong. (8" gage)
1	55 / 378	60 / 471	.80	29
2	59 / 379	69 / 473	.80	27
3				
4				
5				
6				
7				

Charpy Impact Tests (available only when specified at time of order)

Temp F / C	Absorbed Energy Btu / J	Average	Minimum
Specimen 1	Specimen 2	Specimen 3	

Notes:

*Calculated Chemistry Values: Carbon Equivalents (C1, C2, PC), Corrosion Index (I)
CE1 (Mn)+C+Mn/6+(Cr+Mo)/16+(Ni+C)/15
CE2 (AWS)=C+(Mn+Si)/6+(Cr+Mo)/16+(Ni+C)/15
I (ASTM G107)=26.01(Cu)+3.80(Ni)+1.20(Cr)+1.48(Si)+17.23(P)+7.23(Co)(S)-5.10(Mn)P-33.20(Cu)

I hereby certify that the content of this report are accurate and correct. All tests and operations performed by this material manufacturer are in compliance with the requirements of the material specifications and applicable purchaser designated requirements.

Signed _____
Date: _____

Doug Rees-Evans
Manager of Technical Services

Signed _____
Date: _____

My commission expires _____
Notary Public _____

ASTM AG-14.0-A signature is not required on the last report however the document is still clearly identifying the organization submitting the report. Notwithstanding the absence of a signature the organization submitting the report is responsible for the content of the report.

COMPLIANT

SAMPLE

2/11/08 9:17:40
 100% MELTED AND MANUFACTURED IN THE USA
 All beams produced by Nucor-Berkley are cert and rolled to a fully killed and fine grain practice

NUCOR STEEL - BERKELEY
 P.O. Box 2254
 Mt. Pleasant, S.C. 29464
 Phone: (843) 336-6000

Customer # : 1852 - 3
 Customer PO: PUI-X1795
 B.O.L. # : 671418
 Invoice # : 974111

STATE TO: METALS USA-AMERICAN
 50 CABOT BLVD
 A992 ONLY
 LARGESORTE, SA 19047

STATE TO: METALS USA-AMERICAN
 50 CABOT BLVD
 A992 ONLY
 LARGESORTE, PA 19047

SPECIFICATIONS: Tested in accordance with ASTM specification A6/MSX and A170.
 A6/MSX : A270-26-05/A270-50-05
 MSX : A270-26-07A
 ASTM : A992-06A // A36-05/A572-06-50/A709-06B36/A709-07 50/A709-143H
 CSA : CSA-44W/G40.21-50A

Description	Beats	Tensile Ratio	Yield/Tensile Ratio	Tensile (PSI)	Yield (PSI)	Bloom	C	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn	Si	Cu	Ni	CS	CI	PE	PS	PB	S	P	Mn</
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Jul 98 8:54
 Sold By:
 INDEPENDENCE TUBE CORPORATION
 4225 W. 74TH STREET
 CHICAGO, IL 60638
 Tel: 708-496-6380 Fax: 708-563-1950

TEST CERTIFICATE

No: MAR 601646

P/O No 090655
 rcl
 S/O No MAR 155086-001
 B/L No MAR 92999-004 Shp 30JUN09
 Inv No Inv

Sold To: 3531
 CERTIFIED STEEL CO.
 1333 BRUNSWICK PIKE
 SUITE #200
 LAWRENCEVILLE, NJ 08843-4341

Ship To: (1)
 CERTIFIED STEEL CO.
 199 WHITEHEAD ROAD
 TRENTON, NJ

Tel: 609-396-7600 Fax: 609 392-6372

CERTIFICATE OF ANALYSIS and TESTS

Cert. No: MAR 601646
30JUN09

Part No
 RUBING A500 GRADE B(C)
 1" SC X 1/4" X 40'

Pcs	Wgt
10	10.572
Pcs	Wgt
15	5.286
15	5.286

Test Number Tag No
 185720 153836
 YLD=62670/TEN=75610/ELG=32.8
 185720 153837

Test Number *** Chemical Analysis ***
 185720 C=0.2200 Mn=0.8000 P=0.0080 S=0.0110 Si=0.0140 Al=0.0450
 Cu=0.0200

WE PROUDLY MANUFACTURE ALL OF OUR HSS IN THE USA.
 INDEPENDENCE TUBE PRODUCT IS MANUFACTURED, TESTED,
 AND INSPECTED IN ACCORDANCE WITH ASTM STANDARDS.

- *****
- CURRENT STANDARDS:
- A500/A500M-07
 - A511-07
 - A252-98 (2002)

NOT COMPLIANT

NOT FROM ORIGINAL STEEL MILL

Wheatland Tube Company

A Division of John Manely Company

Wheatland Tube Division
1 Council Ave.
Wheatland, Pa 16161
724-342-6851 Ext. 1512

EMMS

CERTIFICATE OF COMPLIANCE
10-22-09
"FOR APPROVAL ONLY"

To Whom It May Concern:

This is to certify that all Electrical Metallic Tubing, Elbows and Bends produced by the WHEATLAND TUBE COMPANY and its affiliated divisions are manufactured in the U.S.A. All items have been tested and inspected in accordance with normal manufacturing processes and inspections as outlined in the applicable standards U.L. 797, ANSI C80.3 and Federal Specification WW-C-563 to assure acceptable quality levels consistent with the specification requirements.

Electrical Metallic Tubing manufactured by Wheatland Tube Company is registered and listed by Underwriter's Laboratory, listing number E48675.

Sincerely,

Boe Babcanec

~~NOT COMPLIANT~~



**ST-2 - STEEL ORIGIN CERTIFICATION:
NON-IDENTIFIABLE, NON-STRUCTURAL STEEL**

This form must be executed by the Purchaser and the Fabricator of any item containing steel that is not structural steel. This form must be submitted to the APM within 30 days from the date the Professional approves a SUBMITTAL listing a "steel product". No steel product may be delivered on-site unless DGS has received the ST form. Structural steel is defined as steel products used as a basic structural element of a project (i.e., steel beams, columns, decking stairways, reinforcing bars, pipes, etc.). Purchasers of structural steel products (contractors or subcontractors) must provide bills of lading, invoices and mill certifications that the steel was manufactured in the United States instead of this form. The Fabricator shall be herein defined as the firm that assembles the component parts of the product to be purchased. The Department of General Services will accept the certification of firms that are earlier in the chain of purchase (i.e., manufacturers of components, steel suppliers) in lieu of the Fabricator.

A. TO BE COMPLETED BY THE PURCHASER:

1. Name of purchasing firm: CURRENT ELECTRICAL SOLUTIONS, INC
2. Firm's address: 5 RUCKER DRIVE - RICHBORO, PA 18954
3. Firm's phone number: 215-357-0765 4. Date submitted to Fabricator: 07 / 24 / 17
5. Contract No. DGS N/AME3001583 6. Contract title: FIREBIRD ACTIVITY COMMUNITY CENTER
7. Steel Product Certified: WHEATLAND ELECTRICAL METALLIC TUBING
Model: ELECTRICAL METALLIC TUBING - UL; SIZES: 1/2", 3/4", 1", 2 1/2", 3", & 4"
(PO# P002607917)

B. TO BE COMPLETED BY THE FABRICATOR/MANUFACTURER:

9. Name of firm: WHEATLAND TUBE COMPANY
10. Address of firm: ONE COUNCIL AVENUE - WHEATLAND, PA 16161
11. Firm's phone number: (724) 342-6851 12. Date received: 08 / 21 / 17
13. Federal Employer ID. No.: 23-1327437

CERTIFICATION: I, the undersigned officer of the Fabricator/Manufacturer, do certify that our firm assembled/fabricated the components to the steel products listed in Section A, Item 7, and that all steel components therein are comprised of steel that is melted and/or manufactured in the United States. I understand that, by signing this document, I certify that I have received assurances from the suppliers/manufacturers of the components that said components do not contain foreign manufactured steel. I further understand that this document is subject to the provision of the Unsworn Falsification to Authorities Act (18 P.S. § 4904). I also understand that I am subject to the provisions of the Steel Products Procurement Act (73 P.S. § 1881, et seq.) which provides penalties including, but not limited to, debarment from supplying any products for Commonwealth of Pennsylvania public works projects for a period of five (5) years for violations therein. I agree to provide documentation supporting these facts if requested by the Commonwealth. The Commonwealth reserves the right to pursue any action deemed necessary to protect the Commonwealth's interest and ensure compliance with the laws of the Commonwealth.

WITNESS:

Name: Tiffany Dunwoth

Name: Michael A Ryan (Seal)
Manager, Technical Services

(Rev. 2/22/17)

**ST-2 - STEEL ORIGIN CERTIFICATION:
NON-IDENTIFIABLE, NON-STRUCTURAL STEEL**

This form must be executed by the Purchaser and the Fabricator of any item containing steel that is not structural steel. This form must be submitted to the APM within 30 days from the date the Professional approves a SUBMITTAL listing a "steel product". No steel product may be delivered on-site unless DGS has received the ST form. Structural steel is defined as steel products used as a basic structural element of a project (i.e., steel beams, columns, decking stairways, reinforcing bars, pipes, etc.). Purchasers of structural steel products (contractors or subcontractors) must provide bills of lading, invoices and mill certifications that the steel was manufactured in the United States instead of this form. The Fabricator shall be herein defined as the firm that assembles the component parts of the product to be purchased. The Department of General Services will accept the certification of firms that are earlier in the chain of purchase (i.e., manufacturers of components, steel suppliers) in lieu of the Fabricator.

A. TO BE COMPLETED BY THE PURCHASER:

1. Name of purchasing firm: Edward B. ORULLY & Associates
2. Firm's address: 20 W Highland Ave Phila PA 19118
3. Firm's phone number: 215-242-8110
4. Date submitted to Fabricator: 9/12/91
5. Contract No. DGS: MB# 3001583
6. Contract title: _____
7. Steel Product Certified: Sheetmetal ductwork

Model: _____

B. TO BE COMPLETED BY THE FABRICATOR/MANUFACTURER:

9. Name of firm: Progressive Sheetmetal INC.
10. Address of firm: 1245 Industrial Hwyway Southampton Pa 18966
11. Firm's phone number: 215 322 1816
12. Date received: 9/12/91
13. Federal Employer ID No.: 23-2090124

CERTIFICATION: I, the undersigned officer of the Fabricator/Manufacturer, do certify that our firm assembled/fabricated the components to the steel products listed in Section A, Item 7, and that all steel components therein are comprised of steel that is melted and/or manufactured in the United States. I understand that, by signing this document, I certify that I have received assurances from the suppliers/manufacturers of the components that said components do not contain foreign manufactured steel. I further understand that this document is subject to the provision of the Unsworn Falsification to Authorities Act (18 P.S. § 4904) I also understand that I am subject to the provisions of the Steel Products Procurement Act (73 P.S. § 1881, et seq.) which provides penalties including, but not limited to, debarment from supplying any products for Commonwealth of Pennsylvania public works projects for a period of five (5) years for violations therein. I agree to provide documentation supporting these facts if requested by the Commonwealth. The Commonwealth reserves the right to pursue any action deemed necessary to protect the Commonwealth's interest and ensure compliance with the laws of the Commonwealth.

WITNESS:

[Signature]
Name: _____
Secretary or Treasurer

[Signature] (Seal)
Name: _____
President or Vice President

(Rev. 2/22/17)

ST-3 75% U.S. MANUFACTURE CERTIFICATION

The Steel Products Procurement Act (73 P.S. § 1881, et seq.) allows the use of steel products with **both** foreign and domestic steel **if at least 75 percent of the cost** of the materials (including steel, rubber, wood, plastic, etc.) in the product are manufactured or produced, as the case may be, in the United States.

This form must be executed by a Fabricator of any item containing **BOTH U.S. AND FOREIGN STEEL**. The Fabricator shall hereby be defined as the firm that assembles the component parts of the product to be purchased. The Department of General Services will accept the certification of firms that are **earlier** in the chain of purchase (i.e., manufacturers of components, steel suppliers) in lieu of the Fabricator.

This form must be submitted to the CIS within 30 days from the date the Professional approves a GSC-23 listing a "steel product". No steel product may be delivered on-site unless DGS has received an ST form.

A. TO BE COMPLETED BY THE PRIME CONTRACTOR (PURCHASER):

- 1. Name of Contractor: Wayman Fire Protection
 - 2. Address of Contractor: 403 Mecco Drive
 - 3. Phone Number: (302) 994-5757
 - 4. Date submitted to Fabricator: 10/04/17
 - 5. Contract No. DGS: N/A
 - 6. Contract Title: Holy Ghost Prep
 - 7. Steel Product Certified: Black Steel Pipe
 - 8. GSC-23#: N/A
- Model: A135 S10, 3" 4"

B. TO BE COMPLETED BY THE FABRICATOR/MANUFACTURER:

- 9. Name of Firm: Youngstown Tube Company
- 10. Address of Firm: 401 Andrews Ave Youngstown OH 44505
- 11. Firm's Phone number: (330) 743-7414
- 12. Date Received: 10/4/17
- 13. Fed. Employer ID. No.: 34-1677833
- 14. Percentage of the cost of the articles, materials and supplies which have been mined, produced or manufactured in the U. S. for the product listed above on Line 7: 75%

CERTIFICATION: I, the undersigned Officer of the Fabricator/Manufacturer, do certify that our firm assembled/manufactured the components to the steel product listed in Section 7, that the steel in said product is both foreign and domestically manufactured, and that all the facts contained in this document are true. I agree to provide documentation supporting these facts if requested by the Commonwealth. I further understand that this document is subject to the provisions of the Unsworn Falsification to Authorities Act (18 P.S. § 4904) and the Steel Products Procurement Act (73 P.S. § 1881, et seq.) which provide penalties including, but not limited to, debarment from supplying any products for Commonwealth of Pennsylvania public works projects for a period of five (5) years for violations therein. The Commonwealth reserves the right to pursue any action deemed necessary to protect the Commonwealth's interest and ensure compliance with the laws of the Commonwealth.

Witness:
Kimberly Haux
Name:
Secretary or Treasurer

Will H. Vini (Seal)
Name:
President or Vice President

ST-3 75% U.S. MANUFACTURE CERTIFICATION

The Steel Products Procurement Act (73 P.S. § 1881, et. seq.) allows the use of steel products with both foreign and domestic steel if at least 75 percent of the cost of the materials (including steel, rubber, wood, plastic, etc) in the product are manufactured or produced, as the case may be, in North America.

This form must be executed by a Fabricator of any item containing BOTH U.S. AND FOREIGN STEEL. The Fabricator shall hereby be defined as the firm that assembles the component parts of the product to be purchased. The Department of General Services will accept the certification of firms that are earlier in the chain of purchase (i.e., manufacturers of components, steel suppliers) in lieu of the Fabricator.

This form must be submitted to the CIS within 30 days from the date the Professional approves a GSC-23 listing a "steel product". No steel product may be delivered on-site unless DGS has received a ST form.

A. TO BE COMPLETED BY THE PRIME CONTRACTOR (PURCHASER):

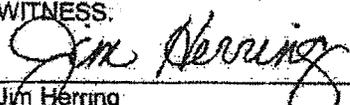
1. Name of Contractor: E. B. O'Reilly Assoc.
2. Address of Contractor: 30 W. Highland Ave. Philadelphia, PA.19118
3. Phone Number: 215.242.8100 4. Date Submitted to Fabricator: 9-28-17
5. Contract No. DGS N/A 5. Contract Title: Holy Ghost Prep
7. Steel Product Certified: Q-Mark Baseboard Heater 8. GSC-23# N/A
Model: QMK2504WCA

B. TO BE COMPLETED BY THE FABRICATOR/MANUFACTURER:

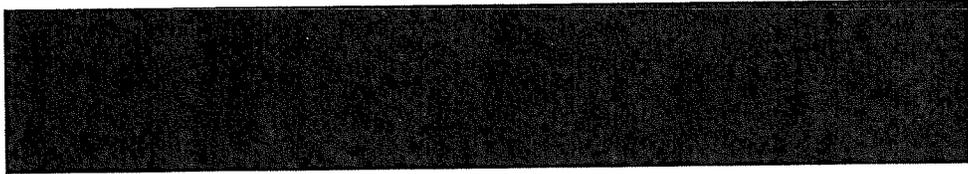
9. Name of Firm: Marley Engineered Products
10. Address of Firm: 470 Beauty Spot Road E, Bennettsville, South Carolina, 29512
11. Firm's Phone Number: 843/479-4006 12. Date Received: 9/28/17
13. Fed. Employer ID No.: 48-0920714
14. Percentage of the cost of the articles, materials and supplies which have been > 75%
mined, produced or manufactured in North America for the product listed above on
line 7: _____

CERTIFICATION: I, the undersigned Officer of the Fabricator/Manufacturer, do certify that our firm assembled/manufactured the components to the steel product listed in Section 7, that the steel in said product is both foreign and domestically manufactured, and that all the facts contained in this document are true. I agree to provide documentation supporting these facts if requested by the Commonwealth. I further understand that this document is subject to the provisions of the Un-sworn Falsification to Authorities Act (18 P.S. § 4904) and the Steel Products Procurement Act (73 P.S. § 1881, et. seq.) which provide penalties including, but not limited to, debarment from supplying any products for Commonwealth of Pennsylvania public works projects for a period of five (5) years for violations therein. The Commonwealth reserves the right to pursue any action deemed necessary to protect the Commonwealth's interest and ensure compliance with the laws of the Commonwealth.

WITNESS:


Jim Herring
Technical Service Supervisor


Bob Somers
VP Quality & CI, Site Manager
Bennettsville Facility



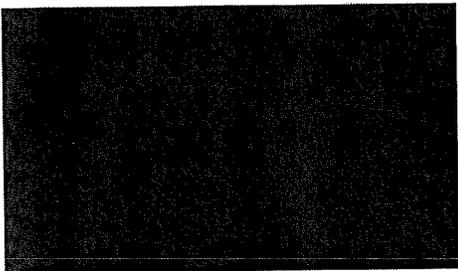
EXEMPTION REQUEST LETTER EXAMPLE.
SHOULD BE ON VENDOR LETTERHEAD
REQUEST SHOULD BE ADDRESSED TO:

Steven Heuer, Director
Redevelopment Assistance Capital Program
Bureau of Revenue, Capital and Debt
Office of the Budget
Commonwealth of Pennsylvania
333 Market Street, 18th Floor
Harrisburg, PA 17101-2210

RE: , steel exemption request

Dear ,

 Co. would like to request an exemption from using domestic products on the  project for RTU-1, 2 & 3 only. RTU 1&2 are Carrier Roof Top Units model # 48TCED08A2A5-0F2A0 and RTU-3 is a Carrier Roof Top Unit model # 48TCEA07A2A5-0F2A0. The products are listed on the  List of Exempt Machinery and Equipment Steel Products and as such qualify for the exemption. The units in question fall into two categories Air Conditioning Units and Air Handling Units.



2017 List of Exempt Machinery and Equipment Steel Products

The Department of General Services (DGS) has reviewed all comments and supporting documentation received prior to the end of the thirty-day (30) comment period and presents here its annual list of exempt machinery and equipment steel products. Contractors, subcontractors, suppliers, bidders, offerors and public agencies may rely on the list of exempt steel products in preparing bids and contracts for any project that is subject to the Steel Products Procurement Act.

Pursuant to the department's Statement of Policy and the Steel Products Procurement Act, DGS will not make any changes to this list during the calendar year for which it was created. In early 2018 DGS will identify, from ST-4 waivers approved in calendar year 2017, specific machinery and equipment steel products that have been recognized as not being produced in the United States in sufficient quantities to meet the 2017 contract requirements. Those items will be added to the list presented below and the resultant list will be published in the Pennsylvania Bulletin for a thirty-day (30) public comment period at that time.

Exempt Machinery and Equipment Steel Products

Air Conditioning Units
Air Duct Housing w/Sample Tubes
Air Handling Units
Anchor Bolt
Audio RA Station
Annunciator Panel
AV Rack Kit
Back Box
Backflow Preventer
Battery Cabinet
Blank Filler Plate for Fiber
Blank Metal Door
Blank Plate for Outer Door
Bottom Dead Front Panel
Bridge for Cameras
Butterfly Valves
Cabinet
Cardcage
Cast Steel Gate Valve
CCTV Power Supply
Ceiling Flange
Central Control Unit
Centrifugal pumps
Channel Video

Circulating Pump
Closers
Color Monitor
Combination Round Head Steel Zinc-Plated Toggle Bolts
Conduit Fittings
Control Module Plate
Control Panel
Control Valve
Data Converter Unit
Deck Inserts
Deck and Rub Rail Fasteners
Digital Communicators
Digital Record
Door Protection
Door Trim/Handles
Drinking Fountain
Drop-In Anchors
Drywall Screws
Dry Type Transformer
Dual Interface Module
Duct Detector w/Relay
Duct Housing
Ductless Split System
DVR Rack
Electric Traction Elevators
Electric Water Cooler
Elevator Controller
Elevator Hoistway
Encl. for Annunciator
Exit Devices
Exp Cage
Fence System Nuts and Bolts
Fire Alarm NAC Extender
Fire Alarm Peripherals
Fixed Door Station
Flexible Drops
Frames, Water Fountain Mounting
Full Blank Plate
Galvanized Carriage Bolts
Garage Door Tracking
Gas Furnace
Gas Piping Butt Weld Tees

Generator
Globe Valve (Steam)
Hand Dryer
Hanger Mounting Plates
Hangermates
Hangers Supports
Horn/Strobe
Inclined Platform Wheelchair Lifts
Inner & Outer Door
Inner Door Blank Plate
Interface Module
Lag Bolts
Large Remote Cab
Lighting Fixtures, Interior/Recessed
Lighting Fixtures, Surface Wrap
Lighting Fixtures, Track Head
Lock Cylinders
Locknuts
Locksets
Low Temp. Detection Thermostats
Lubrication Unit
Machine Screws
Main Control Board
Metal Lockers
Manual Pull Station
Med. Enclosure
Middle Dead Front
Mini-Interface Module
Monitor Mount
Monitor Wall Brk
Mounting Plate
Network Fiber Switch
Overhead Door
Overhead Stops
Patient Wandering Alarm
Pipe Clamps
Pivots
Power Supply
Pull Station Box
RA Annunciator Panel
Rack Mount Card Cage
Rack Mount Kit

Radiant Panels
Reader Interface
Relay Module
Remote Chiller
Round head machine screw
Safety Relief Valve
Sampling Tube
Security Panel
Security Unit
Security/CCTV Camera Housing
Self Turn / Self Tapping Screw
Shower/eye washers
Signal Extender Module
Single Blank
Smoke Detector Wire
Speaker
Speaker/Strobe
Split HVAC System
Split Ring Hangers
Split Rings
Split System Air Conditioning
SSD-C Remote Display w/Control
SSD-C-REM Rem Display
Stainless Flat Bars
Stainless Steel Cable
Strobe
Submersible pump
Sump Pump
Surface Mount Speaker
Surface Station Box
Surge Arrester
Surge Protector
T8 Light Troffer
Tamper Proof Screws & Nuts
Threaded Rod Hanger
Tie Wire 21 gauge
Tie Wire Anchor
Toggle Wing
Transformer
Turbine pumps
Uninterruptible Power Supply

VRV Fan Coils/Cond. Units

Wall Mounted. Fountain

Water Coolers

Water Heater

Wing Toggle

WEEKLY PAYROLL CERTIFICATION FOR PUBLIC WORKS PROJECTS

Contractor or Subcontractor (Please check one) **ALL INFORMATION MUST BE COMPLETED**

CONTRACTOR	SUBCONTRACTOR	
ADDRESS	ADDRESS	
PAYROLL NUMBER	WEEK ENDING DATE	PROJECT AND LOCATION
	PROJECT SERIAL #	PROJECT #



EMPLOYEE NAME	APPR. RATE (%)	WORK CLASSIFICATION	DAY AND DATE			S-TIME	O-TIME	BASE HOURLY RATE	TOTAL FRINGE BENEFITS (C=Cash) (FB=Contributions)*	TOTAL DEDUCTIONS	GROSS PAY FOR PREVAILING RATE JOB(S)	CHECK #
			HOURS WORKED EACH DAY									

*SEE REVERSE SIDE PAGE NUMBER _____ OF _____

THE NOTARIZATION MUST BE COMPLETED ON FIRST AND LAST SUBMISSIONS ONLY. ALL OTHER INFORMATION MUST BE COMPLETED WEEKLY.

*FRINGE BENEFITS EXPLANATION (FB): Bona fide benefits contribution, except those required by Federal or State Law (unemployment tax, workers' compensation, income taxes, etc.)

Please specify the type of benefits provided and contributions per hour:

- 1) Medical or hospital care _____
- 2) Pension or retirement _____
- 3) Life insurance _____
- 4) Disability _____
- 5) Vacation, holiday _____
- 6) Other (please specify) _____

CERTIFIED STATEMENT OF COMPLIANCE

1. The undersigned, having executed a contract with _____
(AWARDING AGENCY, CONTRACTOR OR SUBCONTRACTOR)

_____ for the construction of the above-identified project, acknowledges that:

- (a) The prevailing wage requirements and the predetermined rates are included in the aforesaid contract.
- (b) Correction of any infractions of the aforesaid conditions is the contractor's or subcontractor's responsibility.
- (c) It is the contractor's responsibility to include the Prevailing Wage requirements and the predetermined rates in any subcontract or lower tier subcontract for this project.

2. The undersigned certifies that:

- (a) Neither he nor his firm, nor any firm, corporation or partnership in which he or his firm has an interest is debarred by the Secretary of Labor and Industry pursuant to Section 11(e) of the PA Prevailing Wage Act, Act of August 15, 1961, P.L. 987 as amended, 43 P.S. § 165-11(e).
- (b) No part of this contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation or partnership in which such subcontractor has an interest is debarred pursuant to the aforementioned statute.

3. The undersigned certifies that:

(a) the legal name and the business address of the contractor or subcontractor are: _____

(b) The undersigned is: a single proprietorship a corporation organized in the state of _____
 a partnership other organization (describe) _____

(c) The name, title and address of the owner, partners or officers of the contractor/subcontractor are:

NAME	TITLE	ADDRESS

The willful falsification of any of the above statements may subject the contractor to civil or criminal prosecution, provided in the PA Prevailing Wage Act of August 15, 1961, P.L. 987, as amended, August 9, 1963, 43 P.S. § 165.1 through 165.17.

 (DATE)

 (SIGNATURE)

 SEAL

 (TITLE)

Taken, sworn and subscribed before me this _____ Day
 of _____ A.D., _____

**FOLCROFT BOROUGH
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE BOROUGH OF FOLCROFT, DELAWARE COUNTY PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION OF THE BOROUGH CODE OF ORDINANCES TO ADD A NEW CHAPTER 259 ENTITLED “RESPONSIBLE CONTRACTOR REQUIREMENTS”; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Folcroft (“Council”) has determined that it is in the best interests of the health, safety, and welfare of the residents of the Borough of Folcroft (“Borough”) to ensure that structures and properties located in the Borough are constructed in a safe manner; and

WHEREAS, Council find that such provisions shall serve the best interest of the citizens of the Borough of Folcroft, by requiring that all bidders for public projects shall possess the highest qualifications necessary to perform public contracts; and

WHEREAS, the Council desires to adopt certain provisions to ensure that contractors and subcontractors that perform work valued at over ONE HUNDRED THOUSAND DOLLARS (\$100,000) on any public facility or public works project meet certain minimum requirements to insure that they have the capacity, the expertise, the personnel, and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner; and

WHEREAS, 8 Pa C.S § 1401 of the Pennsylvania Borough Code authorizes Council to enact Ordinances and to award public contracts to the lowest “responsible” bidder, and that the Borough deems “responsible” bidders to possess all of the qualifications, expertise, personnel and resources set forth under these regulations.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Borough of Folcroft Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. Adoption of Chapter 259 “Responsible Contractor Requirements”.

Borough Council hereby adopts and establishes Chapter 410 under Part II, General Legislation to the Borough of Folcroft Code of Ordinances titled “Nuisances”, that shall state as follows:

Chapter 259. Responsible Contractor Requirements.

Section 259-1: Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Apprenticeship program- a training system or program, registered with federal and/or state government agencies, that produces highly skilled workers in a variety of fields by ensuring quality training with on-the-job training and practical instruction for industry.

Contract- an agreement, whether oral or written, and whether contained in one or more documents, between a contractor and Folcroft Borough for the performance of work, including all labor, services and materials to be furnished and performed thereunder.

Contractor- any individual or person who undertakes or offers to perform construction, demolition, remodeling, rehabilitation, paving and any other improvement of construction or demolition work in and for Folcroft Borough, whether as a general contractor, subcontractor, specialty contractor or otherwise.

Firm- any general contractor, prime or other lead contractor applying for public works contracts.

Person- any individual, partnership, limited partnership, association, corporation, trust or any other legally recognizable entity.

Subcontractor- any individual or person who undertakes a specific part of the work to be performed by the principal contractor or subcontract for the construction, demolition, remodeling, rehabilitation, paving and any other improvement of construction or demolition work in and for Folcroft Borough.

Section 259-2: Purpose.

A. The Borough of Folcroft recognizes that there is a need to ensure that all work on public construction and maintenance contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner.

B. To effectuate the purpose of selecting responsible contractors for public contracts and to protect Folcroft Borough investments in such contracts, prospective contractors and subcontractors should be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, including requirements and criteria concerning: technical qualifications; competency; expertise; adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past project performance, safety, law compliance and business integrity.

C. Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor and imminent craft labor skill shortages, it is necessary to require contractors and subcontractors to participate in established, formal apprenticeship training programs as a condition of bidding, for the purpose of both promoting successful project delivery and ensuring future workforce development. Folcroft Borough also recognizes that it is beneficial to the local community to ensure that firms receiving public contracts provide adequate wages and benefits to their

employees and utilize fair business, employment and training practices that have a positive impact on local communities affected by such contracts.

D. Therefore, Folcroft Borough shall require compliance with the provisions of this Article by business entities seeking to provide services to Folcroft Borough as specified herein. The requirements of this section are intended to supplement, not replace, existing contractor qualifications and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this section conflict with any law, public policy or contracting documents of Folcroft Borough this section shall prevail.

Section 259-3: Responsible Contractor Requirements.

A. All contractors and subcontractors of any tier that perform work valued at over One Hundred Thousand Dollars (\$100,000.00) on any public facility or public works project, including construction, alteration, renovation, repair, service (excluding trash hauling) or maintenance work, shall meet the requirements of this section.

B. All firms engaged in contracts covered by this section shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organizational, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity and business ethics.

C. If, after three attempts by the Borough to award a contract to a responsible bidder, as defined in this chapter, no bidder is determined to meet the requirements of this chapter, this chapter shall not apply to subsequent attempts to bid the project.

Section 259-4: Contractor Responsibility Certifications.

A. As a condition of performing work on a public work's contract subject to this section, a general contractor, construction manager or other lead or prime contractor seeking award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for a contract.

B. The Contractor Responsibility Certification shall be completed on a form provided by Folcroft Borough and shall be in the form as attached to this Chapter.

C. In the Contractor Responsibility Certification the construction manager, general contractor, or other lead or prime contractor (hereinafter the "Firm") shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:

(1) The Firm has 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 local; and (b) perform the contract work it seeks to perform. These shall include, but are not limited to, licenses, registrations or certificates for any type of trade work or specialty work which the Firm proposes to self-perform.

(2) The Firm meets the bonding requirements for the contract, 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 requirements.

(3) The Firm has not been debarred by any federal, state or local government agency or authority in the past three (3) years.

(4) The Firm has not defaulted on any project in the past three (3) years.

(5) The Firm has not had any type of business, contracting or trade license, registration, or other certification suspended or revoked in the past three (3) years.

(6) The Firm has not been cited for a willful violation of federal or state safety laws in the past three (3) years.

(7) The Firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency in the past ten years.

(8) The Firm 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, 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.

(9) The Firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under applicable federal, state, or local wage laws.

(10) The Firm 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 project.

(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 journeyman status for a least three (3) of the past five (5) years; and

(b) If a Firm is identified as the lowest responsible bidder or otherwise selected as the prospective awardee or as a subcontractor of an awardee, it shall provide appropriate documentation, as determined by Folcroft Borough, to verify it meets the requirements of this section for each trade or classification of craft workers it will employ on the project. This verification shall be provided prior to performance of work by the Firm.

(11) The Firm 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.

(12) The Firm will maintain all qualifications, resources and capabilities referenced in this certification throughout the duration of the project.

(13) The Firm shall notify Folcroft Borough within seven (7) days of any material changes to all matters attested to in this certification.

(14) The Firm understands that the Contractor Responsibility Certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

D. Execution of the Contractor Responsibility Certification required by this section shall not establish a presumption of contractor responsibility and Folcroft Borough 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. Folcroft Borough may require that such information be included in a separate Statement of Qualifications and Experience or as an attachment to the Contractor Responsibility Certification.

E. The submitting form shall stipulate in the Contractor Responsibility Certification that, if it receives a Notice of Intent to Award Contract, it will provide a Subcontractor list and required subcontractor information as specified in Section 259-7.

F. If the submitting Firm has ever operated under another name, or controls or is controlled by another company or business entity, or if in the past five (5) years the submitting Firm controlled or was controlled by another company or business entity, whether as a party company, subsidiary or in any other business relation, it shall attach a separate statement to its Contractor Responsibility Certification that explains in detail the nature of any such relationship. Additional information may be required from the other entity if the relationship in question could potentially impact contract performance.

G. If a Firm fails to provide a Contractor Responsibility Certification required by this section, it shall be disqualified from bidding. No action of any nature shall lie against Folcroft

Borough because of its refusal to accept a bid for failing to provide information required by this section.

H. Folcroft Borough may require that Contractor Responsibility Certifications and other information required by this act be submitted electronically.

I. Folcroft Borough may charge firms who submit bids or proposals a reasonable fee to defray costs of processing and evaluating Contractor Responsibility Certifications and related information and documents. The amount may be determined and changed via Resolution by Council.

Section 259-5: Notice of Intent to Award Contract.

A. After it has received bids for a project, Folcroft Borough shall issue a Notice of Intent to Award Contract to the Firm offering the lowest responsive bid.

B. Such Notice shall be issued immediately or as soon as practicable after bids are submitted and shall stipulate that the contract award will be conditioned on the issuance of a written Contractor Responsibility Determination, as required by Section 259-7 of this section and any other conditions determined appropriate by Folcroft Borough.

Section 259-6: Subcontractor Lists, Subcontractor Responsibility Certifications.

A. Within seven (7) days of receiving a Notice of Intent to Award Contract, a prospective awardee shall submit to Folcroft Borough a Subcontractor List containing the names of all subcontractors it will use for the referenced project, their addresses and a description of the work to be performed by each subcontractor on the project. The prospective awardee shall also submit Contractor Responsibility Certifications and certifications of Class A Apprenticeship Programs for each proposed subcontractor, as required by this Chapter, all of which shall be signed by the proposed subcontractor and shall contain the same information and representations set forth in the Contractor Responsibility Certifications.

B. A firm shall not be permitted to use any subcontractor unless the subcontractor meets the requirements of this Chapter as determined by Folcroft Borough.

C. A firm shall not be permitted to use any subcontractor on procurement contracts subject to this section, which is not on the Subcontractor List, unless it obtains prior written approval from Folcroft Borough.

D. All certifications and other information for each subcontractor shall be made available to the public as specified in this Chapter.

Section 259-7: Subcontractor Responsibility Review Requirements.

A. A construction manager, general contractor, or other lead or prime contractor shall not be permitted to use a subcontractor on any work performed for Folcroft Borough unless it has identified the subcontractor on its Subcontractor List and provided a Subcontractor Responsibility Certification in accordance with the requirements of Section 259-6.

B. A subcontractor listed on a Firm's Subcontractor List shall not be substituted unless written authorization is obtained from Folcroft Borough and a Subcontractor Responsibility Certification is provided for the substitute subcontractor.

C. In the event that Folcroft Borough determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this section, it may, after informing the prospective awardee, exercise one of the following options:

1. Permit the awardee to substitute a qualified, responsible, subcontractor in accordance with the requirement of this section;
2. Require the awardee to self-perform the work in question if the Firm has the required experience, licenses and other qualifications to perform the work in question; or
3. Disqualify the prospective awardee.

D. In the event that a subcontractor is disqualified under this section, the general contractor, construction manager or other lead or prime contractor shall not be permitted to make any type of contractual claim against Folcroft Borough on the basis of a subcontractor disqualification.

Section 259-8: Contractor Responsibility Review.

A. After a Notice of Intent to Award Contract has been issued, Folcroft Borough shall undertake a review process for a period of at least twenty (20) days to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this section and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.

B. As part of this review process, Folcroft Borough shall ensure that the Contractor Responsibility Certification, the Subcontractor List and the Subcontractor Responsibility Certification(s) as required by this section, have been submitted, properly executed and made available to the public.

C. Folcroft Borough may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the Firm(s) have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting

such inquiries, Folcroft Borough may seek relevant information from the Firm, its prior clients or customers, its subcontractors or any other relevant source.

Section 259-9: Public Review Process.

A. The Contractor Responsibility Certification for a Firm identified in a Notice of Intent to Award Contract, Subcontractor Lists, and Subcontractor Responsibility Certifications shall be made immediately available to the public for inspection through a publicly accessible website or other comparable means.

B. During the Public Review Period, any person or organization may protest a contractor or subcontractor for failing to meet applicable requirements of this section or any other relevant grounds by submitting letter with supporting evidence to Folcroft Borough.

C. If Folcroft Borough determines that a Contractor or Subcontractor Responsibility Certification contains false or misleading material 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 prohibited from performing work for Folcroft Borough for a period of three (3) years and shall be subject to any other penalties and sanctions, including contract termination, available to Folcroft Borough under law. A contract terminated under these circumstances shall further entitle Folcroft Borough to withhold payment of any monies due to the Firm as damages.

D. A procurement contract subject to this section shall not be executed until all requirements of this section have been fulfilled and until Contractor and Subcontractor Responsibility Certifications and Subcontractor Lists have been made available for public inspection for at least ten (10) days following submission of such information.

Section 259-10: Issuance of the Contractor Responsibility Determination.

A. If, at the conclusion of its internal review, Folcroft Borough determines that all responsibility certifications have been properly completed and executed and if it concludes that the qualifications, background and responsibility of the prospective awardee and the Firms on its Subcontractor List are satisfactory, it shall issue a written Contractor Responsibility Determination verifying that the prospective awardee and subcontractors are qualified, responsible contractors. In the event a Firm is determined to be non-responsible, Folcroft Borough shall advise the Firm of its finding in writing and proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, re-bid the project. Prior to the awarding of a contract the Borough must follow the procedures as set by §1401 and 1402 of the Borough Code.

B. The Contractor Responsibility Determination shall be issued no later than thirty (30) days from the date the Notice of Intent to Award Contract is issued, unless extended in writing by the Council. The Contractor Responsibility Determination may be revoked or revised in the

event the Folcroft Borough obtains relevant information warranting any such revocation or revision.

Section 259-11: Emergencies.

Should Council determine, in accordance with the provisions of Section 259-4, that emergency circumstances exist that render the requirements and procedures set forth in this section unduly burdensome, then in that event the Borough may award a procurement contract without application of the terms of this section.

SECTION II: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Folcroft Borough Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION III: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

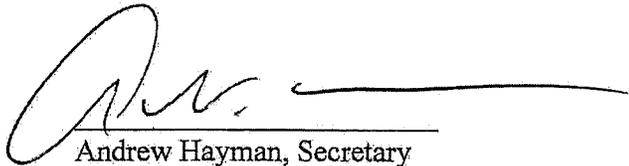
SECTION 5: EFFECTIVE DATE.

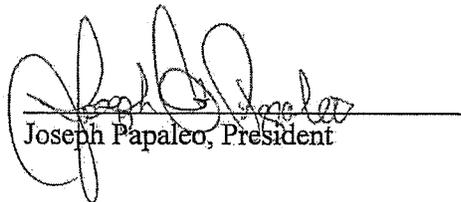
This Ordinance and the amendments contained herein shall be effective immediately.

ORDAINED AND ENACTED by the Folcroft Borough Council on this 1st day of February, 2022.

Attest:

FOLCROFT BOROUGH COUNCIL


Andrew Hayman, Secretary


Joseph Papaleo, President

APPROVED:


Frances DiCicco, Mayor