

**DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF HOUSING AND COMMUNITY RESOURCES**

M E M O R A N D U M

Weatherization Bulletin #501A

To: Executive Directors and Weatherization Managers

From: Paul Stridick, AIA Director, Division of Housing and Community Resources

Date: September 21, 2010

Supersedes: Weatherization Bulletin 507A

Topic: **Responsible Contractor**



Reference:

American Recovery and Reinvestment Act Weatherization Projects

Summary:

The 2009-2012 New Jersey State Plan and Application for U.S. Department of Energy's American Recovery and Reinvestment Act Weatherization Assistance Program Grant contained several provisions which impact the contract bidding process, including a Responsible Contractor bidding requirement. The purpose of this Policy Bulletin is to provide guidance on how this bidding requirement is to be implemented. This provision is only applicable to jobs funded in whole or part with ARRA Weatherization funds.

1. **Responsible Contractor:** Each bidder for a contract to perform weatherization work shall state in its bid whether or not it is a "Responsible Contractor". The Contractor shall certify on the attached "Responsible Contractor Certification," that the conditions to be considered a responsible contractor for the purpose of doing business with the ARRA WAP have been met.

Statement of Policy:

The 2009-2012 New Jersey State Plan and Grant Application for U.S. Department of Energy's American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) Grant requires that all contractors bidding on a job funded in whole or in part by the ARRA WAP funds "state in its bid whether or not it is a Responsible Contractor." The purpose of this bulletin is to provide guidance on the definition of a Responsible Contractor.

A weatherization agency shall require all bidders to complete and sign the attached Responsible Contractor Certification. The contractor shall attach supporting documentation relative to items:

1. Licensing and registration;
2. Violations;
3. Work history; and
4. Current employees.

The Responsible Contractor Certification must be completed by all bidders, regardless of the type of work being performed.

Bidders must agree to hire from Weatherization Training Program:

The New Jersey Department of Labor and Workforce Development administers a grant for the Weatherization Training Program. This Weatherization Training Program is funded by the American Recovery and Reinvestment Act (ARRA) through a grant from the U.S. Department of Energy to the N.J. Department of Community Affairs (DCA). The Weatherization Training Program will develop a skilled workforce that will assist the DCA Weatherization Assistance Program to provide income qualified residents with services that reduce household energy use and costs by improving the energy efficiency of their homes.

As a condition of responding to a bid for ARRA funded work under the WAP, each bidder must agree that all new crew workers and supervisors hired subsequent to submitting a bid to perform work funded under the WAP contract shall be graduates of the Weatherization Training Program. This requirement to hire from the Weatherization Training Program is applicable only to new crew workers and supervisors performing work under the “weatherization worker” job classification established by the U.S. Department of Labor. Any new hires which perform skilled labor requiring a special training or licensing that is not provided through the Weatherization Training Program, such as HVAC, electrical or plumbing work, are exempt from this requirement.

This requirement shall apply to all bidders as well as sub-contractors hired by the Bidders. Bidders are responsible for ensuring that any and all sub contractors hired by them are compliant with the hiring provisions contained in this bulletin.

Waiver:

During the term of ARRA WAP contract, a contractor may request a waiver of the provision requiring all new hires to come from the Weatherization Training Program where:

1. The contractor can demonstrate that they took diligent effort to hire a graduate of the Weatherization Training Program and no trainees were available. The contractor must include dates and names of who was contacted in these efforts;
2. Other extraordinary circumstances exist; and
3. Written approval was granted by the DCA or Weatherization Agency, prior to the labor being performed by the intended new hire.

All requests for a waiver should be made to the appropriate Weatherization Agency with respect to the specific contract awarded by the Weatherization Agency. The Weatherization Agency may seek guidance from the DCA on any specific waiver request. The Weatherization Agency must notify the DCA in writing of all approved or denied Waiver Requests.

Contractors in need of hiring graduates of the Weatherization training Program should contact:

NJ Building Laborers Training and Apprenticeship Fund
Donald Howard, Training Director
732-521-0200

Weatherization Agencies shall be responsible for determining whether the bidder is a Responsible Contractor:

Weatherization Agencies shall:

1. Verify that the Responsible contractor Certification is completely and satisfactorily completed.
2. Include as part of the bid package and contracts for Weatherization work funded by ARRA a clear statement that all new crew workers and supervisors hired subsequent to acceptance of the WAP contract and performing work on the project funded under the WAP contract shall be graduates of the Weatherization Training Program.
3. Monitor the work of contractors in order to ensure that all new hires of the contractor are graduates of the Weatherization Training Program. Any labor costs associated with new hires that are not graduates of the Weatherization Training Program may be disallowed by the OLIEC.

Attachment (1)

Responsible Contractor Certification

I _____ certify that I am familiar with the requirements to bid on a project funded in whole or in part through the ARRA WAP. Further, _____ (“Bidder”) complies with the definition of a Responsible Contractor contained in the 2009-2012 New Jersey State Plan and Grant Application for the U.S. Department of Energy ARRA Weatherization Assistance Program, as set forth below:

After reading and understanding, please initial each line:

- 1. Bidder possesses appropriate business and contracting licensing (New Jersey Home Improvement Contractors’ Registration), insurance and bonding. Copies attached. _____

- 2. Bidder agrees to perform all work through utilization of individuals properly classified as employees, rather than independent contractors (except where subcontracting to a subcontractor). _____

- 3. Bidder has had no more than six governmental determinations of a violation of federal, state, or local laws relating to public safety, workplace safety or employment in the past three years. (Attach a description of each such violation) _____

- 4. Bidder has not been disbarred from any public contract (federal, state, or local). _____

- 5. Bidder has successfully completed a job of this size and this type or a similar type of work in the past five years with a satisfactory record of on-time performance. (Attach documentation). _____

- 6. Bidder will require all employees on weatherization program work to complete at least 10 hours of OSHA safety training. _____

- 7. Bidder will comply with any applicable local hiring or first source policy. _____

- 8. All new crew workers and supervisors hired subsequent to submitting a bid perform work funded under the WAP contract shall be graduates of the Weatherization Training Program.. _____

I certify that the foregoing statements made by me are true. I am aware that any false statement contained herein may be punished by fine, imprisonment, termination/suspension of the WAP contract, withholding of payment, or any combination of the above. I further declare that I have examined this certification and, to the best of my knowledge and belief, it is true, correct and complete.

Name:
Title:

Date: _____

