

Massachusetts College of Liberal Arts

Request for Responses – Public Building Construction Solicitation
for contracts estimated to cost between \$10,000 - \$50,000



Project

Name:

Location:

Overview:

Massachusetts College of Liberal Arts (MCLA), the Awarding Authority invites written responses from contractors for the _____ project in North Adams, Massachusetts. In general, the project includes the labor, materials, equipment, and supervision necessary to deliver and complete the project in accordance with the Scope of Work Statement outlined in this solicitation.

About MCLA:

MCLA is the Commonwealth's public liberal arts college and a campus of the Massachusetts state university system. The college promotes excellence in learning and teaching, innovative scholarship, intellectual creativity, public service, applied knowledge and active responsible citizenship. MCLA prepares graduates to be practical problem solvers and engaged resilient global citizens.

Scope of Work Statement:

Attach additional page(s) if necessary)

Estimated Construction Cost: \$

Pre-Response Conference / Site Visit

A pre-response walkthrough will take place on _____ at _____. The meeting point is the MCLA Facilities Building at 341 Ashland Street, North Adams MA 01247.

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Prevailing Wage Rates

Prevailing wage rates to be paid on this project have been determined by the Commissioner of Labor and Industries under the provisions of Section 26 and 27, Chapter 149 and/or Chapter 30 Section 39A of the General Laws. All responses for this project are subject to the provisions of either or both Massachusetts General Laws, Chapter 30, Section 39M as amended and Massachusetts General Laws, Chapter 149, Sections 44A –441 inclusive. Enclosed are the Prevailing Wage Rates, Statement of Compliance, and Weekly Certified Payroll Report and Workforce Participation Form.

Bonds

On award of the contract, the contractor must provide a payment bond for 50% of the total value of the bid if the contract is greater than \$25,000.

OSHA Requirements

Contractor must be able to furnish labor harmony and OSHA training certification requirements.

Submission of Responses

Submit written responses (*bid & drawings*) electronically to William Norcross at william.norcross@mcla.edu. Responses are due _____ by _____.

Timeline

Construction Begins:

Substantial Completion:

Clean up / Close Out Procedures

Final clean-up of area shall be conducted by the contractor. All trash, excess materials, etc. shall be removed from the site and disposed of properly and legally. Contractor must conduct a close out meeting with the project manager and review maintenance procedures.

Warranty

Contractor must provide workmanship and material warranty for a period of one (1) year after date of substantial completion.

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1.01 Project Requirements

- A. Pursuant to M.G.L. c. 149, § 44A(2)(G), “Workforce Participation Goals” apply to both vertical and horizontal construction and refer to the makeup of the contractor’s workforce rather than the ownership of the business entity. The Massachusetts Workforce Participation Goals are currently set at 6.9% for women and 15.3% for minorities.
- B. Reporting Workforce Participation goals shall be included on the Weekly Certified Payroll and Workforce Participation Form.

1.02 Workforce Participation Benchmarks

- A. The Contractor and all subcontractors (collectively referred to as “the Contractor”) agree to strive to achieve minority and women workforce participation. The Workforce Participation benchmark is set at 6.9% for women and 15.3% for minorities.
- B. The Contractor shall undertake, in good faith, affirmative action measures to eliminate any discriminatory barriers in the terms and conditions of employment on the grounds of race, color, religious creed, national origin, sex, sexual orientation, genetic information, military service, age, ancestry or disability. Such affirmative action measures shall entail measures to ensure non-discrimination and to promote equal opportunity in the areas of hiring, upgrading, demotion or transfer, recruitment, layoff or termination, rate of compensation, apprenticeship, and on-the-job training programs.
- C. In all solicitations made by the Contractor either for work to be performed under a subcontract or for the procurement of materials or equipment, the Contractor shall notify each potential subcontractor or supplier of the Contractor's obligations under this Contract relative to non-discrimination and equal opportunity.
- D. Upon execution of this Contract, the Contractor will complete and sign the Contractor’s Workforce Participation Certification included at the end of this SDP.
- E. Reports and Records:
 - 1. The Contractor shall report workforce participation on the Weekly Certified Payroll and Workforce Participation Form.
 - 2. The Contractor shall prepare projected workforce tables on a quarterly basis if

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requested in writing by the Awarding Authority. The tables shall be broken down into projections, by week, of workers required in each trade. Copies shall be furnished one week in advance of the commencement of the period covered, and also when updated, to the Awarding Authority when required.

3. Records of employment referral orders, prepared by the Contractor, shall be made available to the Awarding Authority on request.
4. The Contractor will provide all information and reports required by the Awarding Authority and will permit access to its facilities and any books, records, accounts, and other sources of information which may be determined by the Awarding Authority to affect the employment of personnel. This provision shall apply only to information pertinent to the Commonwealth's supplementary non-discrimination, equal opportunity and access and opportunity contract requirements. Where information required is in the exclusive possession of another who fails or refuses to provide this information, the Contractor shall so certify to the Awarding Authority and shall set forth what efforts he has made to obtain the information.

F. Workforce Participation Sanctions:

1. If the Awarding Authority believes the Contractor may not be operating in compliance with the provisions of the Fair Employment Practices Law of the Commonwealth (Massachusetts General Laws Chapter 151B), the Awarding Authority may refer the matter to the Massachusetts Commission Against Discrimination ("Commission") for investigation.
2. Following the referral of a matter by the Awarding Authority to the Commission, and while the matter is pending before the Commission, the Awarding Authority may withhold payments from the Contractor when it has documentation in writing that the Contractor has violated the Fair Employment Practices Law with respect to its activities on the Project; or if the Awarding Authority determines that the Contractor has materially failed to comply with its obligations and the requirements of this SDP.
3. The amount withheld shall not exceed a withhold of payment to the General Contractor of 1/100 or 1% of the Contract award price or \$5,000, whichever sum is greater; or if a subcontractor is in non-compliance, a withhold by the Awarding Authority from the General Contractor, to be assessed by the General Contractor as a charge against the subcontractor, of 1/100 or 1% of the subcontractor price, or \$1,000 whichever sum is greater, for each violation of the applicable law or Contract requirements. The total withheld from any one Contractor on a Project shall not exceed \$20,000 overall. No withholding of payments or investigation by the Commission or its agent shall be initiated without the Awarding Authority providing prior written notice to the Contractor.
4. If, after investigation, the Commission finds that the Contractor violated the provisions of the Fair Employment Practices Law, the Awarding Authority may convert the amount withheld as set forth above into a permanent sanction, as a

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permanent deduct from payments to the Contractor, which sanction will be in addition to any such sanctions, fines or penalties imposed by the Commission.

5. No sanction enumerated under this SDP shall be imposed by the Awarding Authority except after notice to the Contractor and an adjudicatory proceeding, as that term is used, under Massachusetts General Laws Chapter 30A, has been conducted.

1.03 Severability

- A. The provisions of this are severable, and if any of these provisions shall be held unconstitutional by any Court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of the Contract.

1.04 Required Supplier Diversity Forms

- A. The following form is included as part of this SDP:

Contractor's Workforce Participation Certification

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CONTRACTOR'S WORKFORCE PARTICIPATION CERTIFICATION

(Contractor Name) certifies that we:

1. Will not discriminate in our employment practices
2. Intend to use the following list of construction trades in the Work under the Contract

3. Will make good faith efforts to comply with the minority employee and women employee workforce participation ratio goals and specific affirmative action steps contained herein
4. Are in compliance with all applicable Federal and State laws, rules, and regulations governing fair labor and employment practices
5. Will provide the provisions of the "Supplemental Equal Employment Opportunity, Non-Discrimination and Affirmative Action Program" to each and every subcontractor employed on the Project and will incorporate the terms of this Section into all subcontracts and work orders entered into on the Project
6. Agree to comply with all provisions contained herein.

Signature of authorized representative of Contractor _____ Date _____

Printed name of authorized representative of Contractor

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Contract Award

MCLA intends to award a contract to the responsible contractor offering to perform the work at the lowest bid price. Any contract awarded resulting from this request will consist of: (i) this response solicitation; (ii) the successful vendor's response; and (iii) A fully executed MCLA Contract for Services containing the [Commonwealth's Terms and Conditions](#), as incorporated herein for reference. Should there be any conflict in language between this solicitation and the vendor's response, this request shall govern. MCLA reserves the right to issue written clarifications to resolve any ambiguities in the contract relationship. Such clarifications, when issued, will take precedence over both the request for quotes and the vendor's quote. For all matters, not affected by the written clarification, this request for quotes shall govern.

Instructions to Bidders

- Responses:** Submit responses for the scope of work statement specified above. If your response differs in any way, you must provide a detailed description of the alternative scope described in your response. MCLA shall be the sole judge of the acceptability of any alterations.
- Pricing Details:** Clearly define your pricing structure. MCLA reserves the right to negotiate this and other key terms with the chosen vendor.
- Response Validity:** Response prices must remain valid for 30 days.
- Non-Submission:** If unable to provide a response, please return this form stating your reasons.
- MCLA Rights:** MCLA may reject any or all responses, in whole or in part, and waive minor discrepancies or irregularities.
- Form Alterations:** Responses that modify MCLA's provided form may be deemed non-responsive.
- Public Information:** All information submitted is public and subject to release under Massachusetts Public Records Law. Vendors are responsible for protecting their trade secrets and associated costs.
- Vendor Costs:** Vendors are responsible for all costs incurred in responding. MCLA shall incur no obligation or liability by issuing this request.
- Verification and Investigation:** All information submitted is subject to verification. MCLA reserves the right to investigate as necessary to determine the vendor's ability to perform the specified services. MCLA may reject any response if the vendor fails to satisfy qualification requirements.

Quoted Price: \$ _____ *(Attach itemized quote if applicable)*

Specified scope of services fully satisfied? Yes No

Comments:

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By signing below, I acknowledge and agree on behalf of my firm, to supply MCLA the services listed above at the price shown, subject to the above terms and conditions.

Signature _____ Date _____

Printed Name _____ Phone _____

Title _____ Fax _____

Company _____ Email _____

Address _____ FEIN _____