

Book	Policy Manual
Section	800 Operations
Title	Responsible Contractors
Code	823
Status	
Adopted	_____, 2026

Purpose

This policy is intended 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 district contracts in a timely, reliable and cost-effective manner by establishing clearly defined, minimum standards relating to contractor responsibility, including requirements and criteria concerning technical qualifications, competency, experience, adequacy of resources, including equipment, financial and personnel, and satisfactory records regarding past performance, safety, legal compliance and business integrity, in selecting responsible contractors for district contracts, as hereinafter more specifically set forth.

Definitions

Firm – all general contractors, construction managers, other lead or prime contractors, and subcontractors, regardless of incorporation, of any tier that perform work on any district property and facilities.

Class A Apprenticeship Program - 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 journey person status for three (3) of the past five (5) years. To permit development of recently registered programs, the graduation requirement shall not apply to an apprenticeship program registered within the past ten (10) years if the program provides apprenticeship training for a craft or trade by the U.S. Department of Labor or a state apprenticeship agency at the time the program was registered. Any program not required to meet the graduation requirements may, in addition to providing proof that it is currently registered with federal or state government, be required to provide evidence that the program is actively engaged in bona fide apprenticeship training activity.

Craft Employees - manual workers of high skill who have a thorough and comprehensive knowledge of the processes involved in their work including, but are not limited to, the building trades.

Guidelines

Requirements

All firms that perform work valued at over \$250,000.00 on any district property and facilities, including construction, demolition, alteration, renovation, repair, service, or maintenance work, shall meet the requirements of this policy.

All firms engaged in contracts covered by this policy 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. Qualified, responsible firms shall also have a satisfactory past performance record and a satisfactory record of law compliance, integrity, and business ethics.

This policy shall not apply to the installation of district-purchased items through purchasing networks and programs, the installation of furniture, fixtures, and equipment (FF&E), the installation of security systems, and the installation of information technology systems provided it maintains the manufacturer warranty.

Contractor Responsibility Certification and Prequalification Requirements

As a condition of performing work on a district contract subject to this policy, a firm seeking award of a contract shall submit a Contractor Responsibility Certification at least fourteen (14) calendar days before the proposed bid submission deadline. Failure to submit a Contractor Responsibility Certification by the aforesaid deadline will automatically disqualify any firm from submitting a bid or proposal for a contract.

The Contractor Responsibility Certification shall be completed on a form provided by the district, and the applicable departments within, and shall reference the project for which a bid is being submitted by name and contract or project number.

Upon receipt of the Contractor Responsibility Certification, the district shall determine whether the firm meets the requirements of this policy. Notice of the district's determination shall be sent to the firm within seven (7) days after the receipt of the submitted Contractor Responsibility Certification prequalification form. All firms that are determined by the district to meet the qualification requirements of this policy shall be entitled to submit a bid or proposal for the project.

In the Contractor Responsibility Certification, 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: do business in the designated locale; and, perform the contract work it seeks to perform including, but 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 or defaulted on any project by any federal, state, or local government agency or authority in the past three (3) years;
4. 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;
5. The firm has not committed a willful violation of federal or state safety laws as determined by a final decision of a court or government agency in the past three (3) years;
6. 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 for the past ten (10) years;
7. The firm has not within the past three (3) years been found by a final decision of court or government agency 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, environment laws or others, where the result of such violation was the imposition of a fine, back pay damages or any other type of penalty in the amount of \$25,000.00 or more for any single incident or penalties amounting to \$50,000.00 or more for the previous three (3) years prior to submission of the certification form;
8. The firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under the Pennsylvania Prevailing Wage Act for the duration of the referenced project;
9. The firm participates in the Class A Apprenticeship Program, as defined by this policy, 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, and to demonstrate compliance with this requirement, will supply with its certification, a list of all trades or classifications of craft employees it will employ on the project verifying it participates in a Class A apprenticeship program for each trade or classification listed; and,

10. 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.

All craft labor that will be employed by the firm for the project shall have completed, prior to working on the project, at least the OSHA 10-hour training course for safety established by the U.S. Department of Labor, Occupational Safety & Health Administration.

The firm, construction manager, general contractor or other lead or prime contractor responsible for the project shall ensure that at least seventy percent (70%) of the craft labor workforce employed on the project shall be comprised of either journeypersons, workers who have successfully completed a Class A Apprenticeship Program as defined by this policy, or apprentices currently enrolled or registered in such programs. The apprenticeship participation must be in the same trade or craft for which the workers are employed on the project.

The firm shall notify the district within seven (7) calendar days of any material changes to all matters attested to in its certification.

Execution of the Contractor Responsibility Certification required by this policy shall not establish a presumption of contractor responsibility. The district may require any other additional information it deems necessary to evaluate a firm's technical qualifications, financial capacity or other resources and performance capabilities. The district may require that such information be included in a separate Statement of Qualifications and Experience or as an attachment to the Contractor Responsibility Certification.

In the Contractor Responsibility Certification, the submitting firm shall stipulate that if it receives a Notice of Intent to Award Contract, it will provide a Subcontractor List and required subcontractor information as specified in this policy.

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

Contractor Responsibility Certifications 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 all information submitted is true, complete, and accurate.

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

Notice of Intent to Award Contract

After it has received bids for a project, the district shall review the bids and firms submitting the bids and, upon conditional approval of the Board of School Directors ("Board"), shall issue a Notice of Intent to Award Contract to the firm offering the lowest responsive bid. Extensions of the date for the award may be made by mutual written consent of the district and the lowest responsive bidder.

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 this policy, and any other conditions determined appropriate by the district. A contract subject to this policy shall not be executed until all requirements of the policy have been fulfilled. The district reserves the right to reject any defective bid, to waive any nonmaterial defect in a bid, to reject all bids, as the district determines such actions to be in its best interest.

Subcontractor Lists, Subcontractor Responsibility Certifications

Within seven (7) days from the date of Notice of Intent to Award Contract, a prospective awardee shall submit to the district a Subcontractor List containing the names of all subcontractors that will be used for the referenced project, their addresses, and a description of the work each listed subcontractor will perform on the project.

At the time a prospective awardee submits the Subcontractor List it shall also submit Subcontractor Responsibility Certifications for all listed subcontractors to the district. Subcontractor Responsibility Certifications shall be executed by the respective subcontractors on forms prepared by the district and shall contain the same information and representations required in the Contractor Responsibility Certification^s.

Subcontractor Responsibility Certifications shall be executed by persons having sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete, and accurate.

Contractor Responsibility Review and Determination

Notwithstanding the prequalification procedure set forth in this policy, after a Notice of Intent to Award Contract has been issued, the district shall undertake a review process for a period of no more than thirty (30) days, from the date the Notice of Intent to Award Contract is issued, to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this policy and other applicable law and regulations and has the resources and capabilities to successfully perform the contract.

As part of this review process, the district shall ensure that the Contractor Responsibility Certification, the Subcontractor List and Subcontractor Responsibility Certifications, as required by this policy, have been submitted and properly executed.

The district may conduct any additional inquiries to verify the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the district may seek relevant information from the firm, its prior clients or customers, its subcontractors, or any other relevant source.

If at the conclusion of its internal review, the district determines a firm does not meet policy or district requirements, the district 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.

If at the conclusion of its internal review, the district determines that a Contractor or Subcontractor's Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth, or omits material information that was omitted knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the district for a period of three (3) years and shall be subject to any other penalties and sanctions, including contract termination, available to the district under law. A contract terminated under these circumstances shall further entitle the district to withhold payment of any monies due to the firm as damages.

If at the conclusion of its internal review, the district determines that all Contractor and Subcontractor 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 is a qualified, responsible contractor. The contractor responsibility determination shall be issued not more than thirty (30) days after the date that the Notice of Intent to Award Contract was issued. This responsibility determination may be revoked or revised in any manner at any time if the district obtains relevant information warranting such revocation or revisions.

Execution of Final Contract

A contract subject to this policy shall not be executed until all requirements of this policy have been fulfilled and until a written contractor responsibility determination has been issued. Upon completion of all requirements under this policy, the district may execute a final contract based upon the Notice of Intent to Award Contract. The district reserves the right to reject any defective

bid, the right to waive any non-material defect in a bid and the right to reject all bids, as it determines such actions are in the district's best interests.

Subcontractor Responsibility Review Requirements

A firm shall not be permitted to use a subcontractor on any work performed for the district unless it has identified the subcontractor on its Subcontractor List and provided a Subcontractor Responsibility Certification in accordance with the requirements of this policy.

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

In the event that the district determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this policy, 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 requirements of this policy;
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.

In the event that a subcontractor is disqualified under this policy, the firm shall not be permitted to make any type of contractual claim against the district on the basis of a subcontractor disqualification.

Public Review Process

The Contractor Responsibility Certification for a firm identified in a Notice of Intent to Award Contract, Subcontractor List and Subcontractor Responsibility Certifications shall be made immediately available to the public for inspection through a publicly accessible website or other comparable means and shall remain available for public inspection for a period of at least ten (10) days.

During the public review period, any person or organization may protest a firm or subcontractor for failing to meet applicable requirements of this policy or on any other relevant grounds by submitting a letter with supporting evidence to the district and its designated departments.

If the district then determines that a Contractor Responsibility Certification 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 that was omitted knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the district for a period of three (3) years

and shall be subject to any other penalties and sanctions, including contract termination, available to the district under law. A contract terminated under these circumstances shall further entitle the district to withhold payment of any monies due to the firm as damages.

The public review period shall be concluded no later than thirty (30) days after the date that the Notice of Intent to Award Contract was issued.

Severability and Effective Date

If any provision of this policy shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provision of this policy and all remaining provisions shall remain in full force and effect.

This policy shall become effective upon Board adoption. The requirements of this policy shall not apply to contracts executed prior to the adoption of this policy, except that the exercise of an option on a contract covered by this policy shall be deemed to create a new contract for purposes of this policy.

Authority

The district has final determination as to whether all requirements of this policy are met. The Board may elect to waive this policy where a qualified Responsible Contractor as defined by this policy cannot be determined.