

Veronica morrison
hand-out

8/13/2026



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July 20, 2026

VIA EMAIL

Gregory R. Heleniak, Esquire
Central Bucks School District Solicitor
CGBAG Law
Seven Neshaminy Interplex, Suite 215
Trevose, PA 19053
gheleniak@cgbaglaw.com

Re: Central Bucks School District Responsible Contractor Policy Considerations

Dear Attorney Heleniak:

It was a pleasure meeting you at the June 18, 2026 meeting of the Central Bucks School District ("CBSD") Policy Committee ("Committee"). As you will recall, I attended the meeting on behalf of several local contractors to assist in expressing their concerns regarding the termed Responsible Contractor Policy ("RCP") included in the agenda materials and discussed in the meeting. I am writing to follow up on some matters raised during the meeting and to provide additional insight on behalf of the local contractors and their families.

In my statement to the Committee, I raised concerns about documented negative impacts similar policies have had for public bodies contracting for construction services, primarily in the form of reducing competition, reducing the number of bidders, and increasing costs. Certain Committee members followed up during the discussion of the RCP to request available data in this regard. We agree that aggregating statistical data can be complicated and, depending on the nature of the data, can be gathered and presented in a way to support one position or another. So, I write to provide some insight which is more in the form of anecdotal evidence of the impacts to which I was referring.¹

Looking locally in Bucks County, you may be aware of the responsible contractor policies or ordinances (I'll generally refer to them as "RCOs" for ease of reference) passed by Morrisville Borough, Township of Lower Makefield, and Bristol Borough. These RCOs, after being adopted, were later amended or repealed due to complications with getting enough bids or any bids that were within budget. In October 2018, Morrisville Borough, after adopting an RCO that contained the requirement for bidders to participate in Class A

¹ I am also including, as Attachment A, information that was compiled regarding projects bid by CBSD. This data reveals that: (1) out of the 26 projects reviewed, 118 bids received were from open shop (non-union) contractors whereas only 31 bids received were from union contractors; (2) for 11 projects, no union contractors submitted bids; and (3) for 2 projects there was only 1 bidder and, in each instance, the bidder was an open shop. This data does not bode well for CBSD receiving qualified bids if it adopts the RCP. Also, the data shows that, out of the 14 projects where union contractors bid the job, 10 were awarded to an open shop contractor as the low bidder. This does not bode well for cost containment if CBSD adopts the RCP.

apprenticeship programs, like the requirement at hand, amended the RCO to remove that requirement due to a lack of qualifying bids, see Ordinance No. 1023. Similarly, Township of Lower Makefield amended their RCO in 2010 to remove the Class A apprenticeship program participation requirement, and the RCO is again under reconsideration to increase the threshold amount for the remaining requirements. Just this year in March, Bristol Borough Council voted to eliminate the Borough's previously adopted RCO, which included requirements very similar to the one under consideration here for the same reasons cited by others. Other local municipalities that have adopted RCOs have had to repeatedly amend the RCOs to increase dollar thresholds and have taken to issuing waivers when the municipality cannot get enough bids, within budget, to complete a project.

Contracting authorities in surrounding counties and counties across Pennsylvania have experienced similar negative results after adopting RCOs. For example, in 2019, just one year after adopting an RCP, Colonial School District in Montgomery County found that it had obtained only two bids for a large construction project, both of which were over budget and the lowest by over \$4.5 million, such that it had to waive the policy and rebid the project without the RCO requirements. Similarly, in 2024, Reading City was required to waive its RCO requirements for work on the Pagoda. This arose due to issues getting bids and the possibility of losing critical funding for the project. Like some other municipalities, Reading City has a baked in waiver provision that requires the City to solicit bids under the RCO and then, when the solicitation fails, to seek a waiver and rebid the project. Imagine the amount of time and taxpayer dollars expended on this process!

In just the last few years, Centre County and State College Borough have adopted RCOs. Opponents met with the municipalities in advance of their adopting the RCOs to share their concerns and experience. Neither listened. Now both municipalities have had major issues completing projects under their respective RCOs and have had to seek ways around the requirements. Centre County has begun using COSTARS to qualify bidders and avoid the RCO requirements. State College Borough, which just adopted its RCO in 2024, solicited bids last year for a road project, put the project out for bid twice, and both times bids failed to come within budget. The Borough had to suspend the RCO and put the project out for bid without those requirements. Now again, *just on July 7, 2026*, the Borough voted again to suspend the requirements of the RCO due to the inability, after two rounds of bidding, to get qualified bids for a project. The Borough Manager revealed that, since the RCO went into effect, 5 projects have been put out for bid and the Borough has *not* received a single qualified bid for any of those 5 projects. I would encourage you and the Board to watch the discussion that occurred at the July 7 meeting, linked below², starting at 2:20:59 to 2:38:14.

Just this evening, State College Borough voted to amend their RCO. I'm attaching the proposed amendments as Attachment B. These amendments have now been adopted by the Borough as a corrective

²<https://videoplayer.telvue.com/player/GNduNoua2rBThhw6N4PRP9OCSPf6B2ru/playlists/4822/media/962514?showtab=search=true&fullscreen=true>

A couple notes. There is a discussion in the linked meeting about having non-qualified bidders submit bids and get awarded only if no qualified bids are received. The amount of time and money contractors put into bidding a project is extraordinary. I would bet that more than 9 times out of 10 no contractor who is "not qualified" under an RCO is going to expend time and money bidding a project where preference will be given to other termed "qualified" contractors and they are not being afforded a fair shot, which is exactly what that is. Also, there is a statement about costs associated with these apprenticeship programs and non-union contractors not investing in the programs due to those costs. That is often not the case. Many times, apprenticeship programs that would qualify are simply not meaningfully available to a particular nonunion company (e.g., the closest qualified program open to non-union workers for a particular trade is over two hours away).

measure to fix the issues about which they had been warned before adopting the RCO. They learned the hard way, but CBSD doesn't have to.

While proponents of the RCP might be inclined to argue that Centre County and State College Borough are in the middle of the State and not around Philadelphia. First, that has not appeared to change the outcome in local municipalities (see discussion above regarding Morrisville Borough, etc.). Secondly, the Philadelphia area admittedly has a larger concentration of union contractors. *If* this were to be the saving grace for an RCP here in CBSD (which by Attachment A it appears it might not be), *should it be*? And even so, if there is less competition, bids are going to be higher—this is basic economics. Do we want taxpayers to pay for District-sponsored discrimination against nonunion contractors?

For all of this anecdotal evidence that these kinds of policies create issues for public bodies attempting to bid construction projects, there is no evidence that such discriminatory policies are necessary to protect the soliciting body or individuals working on a project. Thorough, ordinary vetting of contractors will effectively prevent the vast majority of safety incidents that occur on public projects, whereas the placement of a termed responsible contractor policy will not effectively prevent every conceivable accident. In jurisdictions where there haven't been any recent major safety incidents, these policies have simply created issues that didn't previously exist. Here, CBSD is potentially going to attempt to solve one perceived problem—that, while quite tragic, is a clear outlier and exception—only to create a host of other *known* issues, not the least of which is preventing its own dedicated, hardworking residents from working on CBSD projects.

Additionally, as members of the Policy Committee noted, the proposed RCP goes too far. CBSD can adopt a policy that will help bring attention to safety and responsible payment practices without discriminating in favor of union (Philadelphia-based) contractors over non-union contractors. I am enclosing an alternative proposal for the Committee's consideration (as Attachment C) which can be paired with any variation of other responsible contractor certification requirements contained in the RCP that make sure a firm meets all appropriate, reasonable qualifications. My clients would ask that, if CBSD is inclined to adopt any policy, that it consider something more along these lines.

If I recall correctly, Attorney Heleniak, the one project you referenced as being successfully bid under a responsible contractor policy was a \$13 million project. What happens with the smaller projects, between, say, \$250,000 and \$1 million, when there are only a handful of local contractors who want to bid the project (because of the margins) and the union workforce, who conveniently would qualify under the RCP, is tied up working on a data center or a State project? Or even a project between \$5 million and \$10 million where the contractors who would qualify under this proposed RCP are busy working on and pursuing larger projects across the region? There are a number of these; so many, in fact, that the Commonwealth has claimed there will be a shortage of workers to work on its anticipated \$375 million project happening over the next five years. When no qualifying contractors are available, will CBSD be left to rebid its projects and ultimately waive the RCP requirements anyway? Is this how CBSD wants to answer to its residents?

Further, as testimony during the Policy Committee meeting revealed, the vast majority of CBSD projects fall within the \$500,00 to \$1 million range, which must be completed within 8 to 10 weeks, and those responsible for implementing the projects expressed repeated concerns about the administrative burden of implementing the proposed RCP on those projects. CBSD is not alone. The ongoing certification requirements contained in these trendy RCOs are often not only extremely burdensome to maintain but ultimately lead to violations because it is nearly impossible to keep continuous tabs on who on a project has and hasn't completed a Class A Apprenticeship Program—who are we even relying upon to provide this information?

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Importantly, under this proposed RCP, students from this District who graduate with certifications from Middle Bucks Institute of Technology will not qualify toward the 70% journeyman or apprenticeship requirement. A CBSD graduate of 10 years who owns his or her own construction firm but does not participate in a "Class A Apprenticeship Program" will not be qualified to bid on a CBSD project. Is this what CBSD wants to see for its graduates?

CBSD and the Policy Committee should see this proposed RCP for what it is—a political ploy to provide favor to union contractors. It also raises legal concerns. Immediately following my comment in which I indicated these ordinances and policies are illegal *under Pennsylvania law*, you mentioned a Third Circuit case which you argued upheld an ordinance like this. I believe the case you may've been referring to is *Associated Builders and Contractors, Eastern Pennsylvania Chapter Inc. v. County of Northampton*, 808 Fed.Appx. 86 (3d Cir. 2020). If so, I will point out that that case was decided under the Equal Protection Clause ("EPC") of the 14th Amendment to the *U.S. Constitution*, not under Pennsylvania law, which is more robust in its protections of free and open competition. As you know, the test under the EPC is very liberal and inquires only whether a law has any conceivable rational basis. On the other hand, Pennsylvania's Constitution and laws specifically guard against favoritism or discrimination in public bidding. Although many of these protections are afforded to citizens against the Commonwealth as a State actor, the case law that has developed in Pennsylvania, even over the last two years, is particularly skeptical of policies that place Pennsylvania workers on unequal footing with one another, as this policy, if adopted, will do. Many of the cases on this subject which have previously been filed have failed on procedural rather than substantive grounds. With recent challenges to similar policies, ABC, both Eastern and Keystone, have seen greater success in the courts.

Hopefully this situation does not develop in that direction and the Board and those charged with advising the Board will work toward a middle ground solution that does not ultimately harm the goals of everyone involved. The local contractors of this District want nothing more than to serve their community and to be given a fair chance to do so. That is, quite literally, all they are asking for here. I trust that CBSD wants this for them, too.

Please feel free to reach out to me to discuss this matter further in advance of the August 13, 2026 Policy Committee meeting.

Yours truly,



Veronica L. Morrison
MCNEES WALLACE & NURICK LLC

VLM/tw
Attachments

Cc: Central Bucks School District Board Members
A.H. Cornell & Son, Inc.
B. Blair Corporation
T. Schiefer Contractors, Inc.
GoreCon, Inc.

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Harris Blacktopping
Associated Paving Contractors
A. Giuliani & Co.
Giuliani & Sons
Twining Construction Co., Inc.
Maggie Rose Baldwin, Esquire

School Board Bidder Impact Analysis

Purpose:

Show how many recent school construction/public work bidders may be excluded if an RCO requirement limits eligible contractors.

How to use:

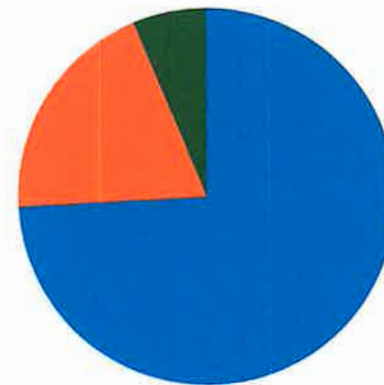
1) Enter contractors in Contractor Lookup. 2) Enter bid tab rows in Bid Data. 3) Add each project name once in Project Summary. This dashboard updates from formulas.

Metric	Value
Projects Reviewed	26
Total Bidder Entries	159
Open Shop Bidder Entries	118
Union Bidder Entries	31
Unknown/Mixed Bidder Entries	10
% Open Shop / Potentially Excluded	74.2%
% Union / Potentially Remaining	19.5%
Lowest Bids by Open Shop	22
Lowest Bids by Union	4

Category	Count
Open Shop / Potentially Excluded	118
Union / Potentially Remaining	31
Unknown/Mixed	10

RCO Impact Statement		
Current Total Bidders	159	Formula
Potential Eligible Bidders After RCO	31	Union bidders only, unless verified otherwise
Potential Bidders Lost	118	Open shop bidders
% Bid Pool Lost	74.2%	Open shop / total bidders
Suggested Talking Point	Based on the bid tabs entered, an 74.2% of the current bidder pool fr	

Current Bidder Pool



■ Open Shop / Potentially Excluded
 ■ Union / Potentially Remaining
 ■ Unknown/Mixed

Project Name	Bid Date	Project Type	Contractor Name	Unsub/Open Shop	Bid Amount	Bid Rank	Warranty Bidder?	Local to District?	Source / Bid Tab Link	Notes
Pine Run Water Line	4/2/2026	Utility	A.H. Cornell & Son Inc.	Open Shop	\$175,450	1	Yes	Yes		
Pine Run Water Line	4/2/2026	Utility	Passenti & Sons Inc.	Open Shop	\$198,300	2	No	Yes		
Pine Run Water Line	4/2/2026	Utility	Donohed Est. Inc.	Open Shop	\$206,172	3	No	No		
Pine Run Water Line	4/2/2026	Utility	J.D. Fedale	Union	\$202,710	4	No	No		
Pine Run Water Line	4/2/2026	Utility	AKC Mechanical LLC	Open Shop	\$210,300	5	No	Yes		
Pine Run Water Line	4/2/2026	Utility	Doll Construction	Open Shop	\$224,884	6	No	Yes		
2026 Paving Program	3/4/2026	Paving	Harris Blacktopping	Open Shop	\$416,309	1	Yes	Yes		
2026 Paving Program	3/4/2026	Paving	MSB Construction	Mixed/Verify	\$425,762	2	No	No		
2026 Paving Program	3/4/2026	Paving	James D. Monissey	Union	\$431,295	3	No	No		
2026 Paving Program	3/4/2026	Paving	Sacks & Sons	Open Shop	\$452,430	4	No	No		
2026 Paving Program	3/4/2026	Paving	Barker & Barker	Open Shop	\$479,075	5	No	No		
2026 Paving Program	3/4/2026	Paving	Gulliani & Sons	Open Shop	\$480,981	6	No	Yes		
2026 Paving Program	3/4/2026	Paving	Heidelberg Materials	Union	\$481,312	7	No	No		
2026 Paving Program	3/4/2026	Paving	Land-Tech	Open Shop	\$494,470	8	No	Yes		
2026 Paving Program	3/4/2026	Paving	Gorocon	Open Shop	\$518,401	9	No	Yes		
2026 Paving Program	3/4/2026	Paving	A.H. Cornell & Son Inc.	Open Shop	\$519,341	10	No	Yes		
2026 Paving Program	3/4/2026	Paving	T. Schiefer	Open Shop	\$524,817	11	No	Yes		
2026 Paving Program	3/4/2026	Paving	Associated Paving Contractors	Open Shop	\$530,765	12	No	No		
2026 Paving Program	3/4/2026	Paving	Construction Masters Services	Open Shop	\$575,650	13	No	No		
2026 Paving Program	3/4/2026	Paving	Blooming Glen Contractors	Open Shop	\$605,298	14	No	Yes		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Watts Restoration	Union	\$97,840	1	Yes	Yes		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Dust Building Restoration Inc.	Open Shop	\$111,325	2	No	No		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Palmer Waterproofing Inc.	Union	\$133,645	3	No	No		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Dilemma Construction	Open Shop	\$141,425	4	No	No		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Restoration Corporation	Unknown	\$186,000	5	No	No		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Mert Project Solutions	Open Shop	\$199,244	6	No	No		
Warwick Elem - Exterior Repairs	5/7/2026	Building	Dugan Restoration	Union	\$221,475	7	No	No		
2026 Summer Flooring	5/6/2026	Building	Bar-Lin Carpet One	Open Shop	\$166,150	1	Yes	No		
2026 Summer Flooring	5/6/2026	Building	Continental Flooring Company	Open Shop	\$198,245	2	No	No		
2026 Summer Flooring	5/6/2026	Building	Crowd Field Services	Open Shop	\$242,500	3	No	No		
2026 Summer Flooring	5/6/2026	Building	Dilemma Construction	Open Shop	\$296,223	4	No	No		
CB East UST Closure	4/30/2026	Demolition	Associated Paving Contractors	Open Shop	\$67,750	1	Yes	Yes		
CB East UST Closure	4/30/2026	Demolition	The Ambient Group	Open Shop	\$109,735	2	No	No		
CB East UST Closure	4/30/2026	Demolition	Brightfields, INC	Open Shop	\$121,600	3	No	No		
CB East UST Closure	4/30/2026	Demolition	Buystone Environmental	Open Shop	\$127,476	4	No	No		
CB East UST Closure	4/30/2026	Demolition	Empire Services	Union	\$155,897	5	No	No		
CB East UST Closure	4/30/2026	Demolition	Pine Run Construction Corp	Open Shop	\$175,400	6	No	Yes		
CB East UST Closure	4/30/2026	Demolition	Dilemma Construction	Open Shop	\$185,685	7	No	No		
CB East UST Closure	4/30/2026	Demolition	Buckeye Elm Contracting	Union	\$191,180	8	No	No		
Generator & ATS - Barclay, Pine Run, CB East	4/2/2026	Other	Blooming Glen Contractors	Open Shop	\$419,567	1	Yes	Yes		
Generator & ATS - Barclay, Pine Run, CB East	4/2/2026	Other	Yates Electrical Service	Mixed/Verify	\$621,750	2	No	No		
2026 Playground Renovations	5/31/2026	Other	Gocon Inc.	Open Shop	\$697,900	1	Yes	No		
2026 Playground Renovations	5/31/2026	Other	Premier Builders Inc.	Open Shop	\$712,560	2	No	No		
2026 Playground Renovations	5/31/2026	Other	T. Schiefer	Open Shop	\$737,260	3	No	Yes		
2026 Playground Renovations	5/31/2026	Other	SLC Excavating LLC	Open Shop	\$792,004	4	No	No		
2026 Playground Renovations	5/31/2026	Other	G&B Construction	Mixed/Verify	\$879,250	5	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Harlan Contracting	Open Shop	\$487,990	1	Yes	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Six General Construction	Open Shop	\$559,960	2	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Winchester Roofing Corp	Open Shop	\$636,567	3	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Alan Nunaman Roofing and Siding	Open Shop	\$638,990	4	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Mum Roofing Corp	Open Shop	\$644,290	5	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Union Roofing Contractors, Inc.	Union	\$702,840	6	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Mike Koblhen Roofing & Insulation	Open Shop	\$704,772	7	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	United States Roofing Corporation	Mixed/Verify	\$794,800	8	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	Noble Roofing	Unknown	\$898,745	9	No	No		
Kutz & Linden Roof Replacement	2/5/2026	Building	D.A. Not, Inc.	Mixed/Verify	\$1,063,914	10	No	No		
Holcoing Chiller	2/3/2026	Building	Albates Mechanical LTD	Union	\$1,290,000	1	Yes	No		
Holcoing Chiller	2/3/2026	Building	Tri-County Mechanical, Inc.	Open Shop	\$1,484,799	2	No	No		
Holcoing Chiller	2/3/2026	Building	LGB Mechanical Inc.	Open Shop	\$1,562,000	3	No	No		
Holcoing Chiller	2/3/2026	Building	JEM Mechanical Inc.	Open Shop	\$1,582,000	4	No	No		
Holcoing Chiller	2/3/2026	Building	GEM Mechanical Services Inc.	Union	\$1,593,616	5	No	No		
Holcoing Chiller	2/3/2026	Building	Myco Mechanical Inc.	Open Shop	\$1,617,000	6	No	No		
Holcoing Chiller	2/3/2026	Building	Dolan Mechanical	Union	\$1,888,750	7	No	No		
Holcoing Chiller	2/3/2026	Building	General Asphalt Paving Co.	Union	\$2,061,250	8	No	No		
2026 Elevator Modernization	1/6/2026	Building	Elite Elevator Services LLC	Union	\$554,640	1	Yes	No		
2026 Elevator Modernization	1/6/2026	Building	Cap Elevator, LLC	Open Shop	\$570,000	2	No	No		
Holcoing UST Closure	5/1/2026	Demolition	The Ambient Group	Open Shop	\$42,750	1	Yes	No		
Holcoing UST Closure	5/1/2026	Demolition	Buystone Environmental	Open Shop	\$68,233	2	No	No		
Holcoing UST Closure	5/1/2026	Demolition	TTI Environmental Inc.	Open Shop	\$70,875	3	No	No		
Holcoing UST Closure	5/1/2026	Demolition	Pine Run Construction Corp	Open Shop	\$71,500	4	No	Yes		
Holcoing UST Closure	5/1/2026	Demolition	Worshler Environmental Services	Open Shop	\$86,465	5	No	No		
2025 Playground Renovation	4/3/2025	Other	T. Schiefer	Open Shop	\$772,500	1	Yes	Yes		
2025 Playground Renovation	4/3/2025	Other	Premier Builders Inc.	Open Shop	\$682,268	2	No	No		
2025 Playground Renovation	4/3/2025	Other	Rhy-Mar Construction Co., Inc.	Open Shop	\$930,750	3	No	No		
2025 Paving Program	3/6/2025	Paving	A.H. Cornell & Son Inc.	Open Shop	\$1,019,160	1	Yes	Yes		
2025 Paving Program	3/6/2025	Paving	B. Blair Corp.	Open Shop	\$1,129,602	2	No	Yes		
2025 Paving Program	3/6/2025	Paving	AKC Mechanical	Mixed/Verify	\$1,206,745	3	No	No		
2025 Paving Program	3/6/2025	Paving	Construction Masters Services	Open Shop	\$1,324,563	4	No	No		
2025 Paving Program	3/6/2025	Paving	Harris Blacktopping	Open Shop	\$1,334,719	5	No	Yes		
2025 Paving Program	3/6/2025	Paving	Gaver Industries Inc.	Open Shop	\$1,436,229	6	No	No		
2025 Paving Program	3/6/2025	Paving	Gorocon	Open Shop	\$1,480,901	7	No	Yes		
2025 Paving Program	3/6/2025	Paving	James D. Monissey	Union	\$1,537,769	8	No	No		
2025 Paving Program	3/6/2025	Paving	T. Schiefer	Open Shop	\$1,540,677	9	No	No		
2025 Paving Program	3/6/2025	Paving	Associated Paving Contractors	Open Shop	\$1,704,026	10	No	No		
2025 Paving Program	3/6/2025	Paving	Donald E. Reisinger, Inc.	Open Shop	\$1,735,779	11	No	No		
Generator Upgrade Ops/Transport Bldg	3/5/2025	Building	Apollo Group Inc.	Open Shop	\$194,449	1	Yes	No		
Generator Upgrade Ops/Transport Bldg	3/5/2025	Building	AJM Electric, Inc.	Union	\$215,215	2	No	No		
Generator Upgrade Ops/Transport Bldg	3/5/2025	Building	C. Bentz Electrical Contractor, Inc.	Open Shop	\$241,425	3	No	No		
Generator Upgrade Ops/Transport Bldg	3/5/2025	Building	S & S Electrical Services	Open Shop	\$268,800	4	No	No		
Generator Upgrade Ops/Transport Bldg	3/5/2025	Building	Palman Electric, Inc.	Union	\$291,510	5	No	No		
Generator Upgrade Ops/Transport Bldg	3/5/2025	Building	Hobbs & Company, Inc.	Union	\$362,429	6	No	No		
Facade Repairs and Roofing at Holcoing	3/4/2025	Building	Island Contracting, Inc.	Open Shop	\$1,483,000	1	Yes	No		
Facade Repairs and Roofing at Holcoing	3/4/2025	Building	Pro Com Roofing and Construction	Open Shop	\$1,876,057	2	No	Yes		
Facade Repairs and Roofing at Holcoing	3/4/2025	Building	Finishing Contracting Inc.	Open Shop	\$1,888,139	3	No	No		
Facade Repairs and Roofing at Holcoing	3/4/2025	Building	JONES MADONRY RESTORATION	Open Shop	\$2,496,000	4	No	No		
Facade Repairs and Roofing at Holcoing	3/4/2025	Building	D.A. Not, Inc.	Mixed/Verify	\$2,808,029	5	No	No		
2025 Summer Flooring	3/6/2025	Building	Bar-Lin Carpet One	Open Shop	\$171,197	1	Yes	Yes		
HVAC Equipment Replacement	12/10/2024	Building	Integrity Mechanical Inc.	Union	\$496,450	1	Yes	No		
HVAC Equipment Replacement	12/10/2024	Building	General Asphalt Paving Co.	Union	\$514,200	2	No	No		
HVAC Equipment Replacement	12/10/2024	Building	LGB Mechanical, Inc.	Open Shop	\$522,630	3	No	No		
HVAC Equipment Replacement	12/10/2024	Building	GEM Mechanical Services Inc.	Union	\$593,729	4	No	No		
HVAC Equipment Replacement	12/10/2024	Building	Guy M Cooper, Inc.	Open Shop	\$598,650	5	No	No		
HVAC Equipment Replacement	12/10/2024	Building	Dolan Mechanical	Union	\$671,150	6	No	No		
HVAC Equipment Replacement	12/10/2024	Building	Myco Mechanical Inc.	Open Shop	\$576,000	7	No	No		
HVAC Equipment Replacement	12/10/2024	Building	Gaudelli Bros., Inc.	Open Shop	\$605,994	8	No	No		
HVAC Equipment Replacement	12/10/2024	Building	Mccloskey mechanical Contractors Inc.	Union	\$678,200	9	No	No		
Exterior Envelope Repairs	5/20/2024	Building	Preferred Masonry Restoration inc.	Open Shop	\$611,440	1	Yes	Yes		
Kutz Foremain replacement	5/14/2024	Utility	Barraso Excavation Inc.	Open Shop	\$204,400	1	Yes	No		
Kutz Foremain replacement	5/14/2024	Utility	Doll Construction	Open Shop	\$218,500	2	No	Yes		
2024 Paving	4/16/2024	Paving	A.H. Cornell & Son Inc.	Open Shop	\$694,405	1	Yes	Yes		
2024 Paving	4/16/2024	Paving	Union	Open Shop	\$677,245	2	No	No		
2024 Paving	4/16/2024	Paving	Sacks & Sons	Open Shop	\$1,027,868	3	No	No		
2024 Paving	4/16/2024	Paving	Gorocon	Open Shop	\$1,060,392	4	No	Yes		
2024 Paving	4/16/2024	Paving	T. Schiefer	Open Shop	\$1,090,502	5	No	Yes		
2024 Paving	4/16/2024	Paving	Gaver Industries Inc.	Open Shop	\$1,130,118	6	No	No		
2024 Paving	4/16/2024	Paving	Construction Masters Services	Open Shop	\$1,254,106	7	No	No		
2024 Paving	4/16/2024	Paving	Associated Paving Contractors	Open Shop	\$1,500,004	8	No	Yes		
2024 Paving	4/16/2024	Paving	Harris Blacktopping	Open Shop	\$1,626,736.00	9	No	Yes		
Interior Renovations -MULI PRIME	4/16/2024	Building	Chris Wolff Plumbing, Inc.	Open Shop	\$68,904	1	Yes	Yes		
Interior Renovations -MULI PRIME	4/16/2024	Building	LGB Mechanical, Inc.	Open Shop	\$131,525	2	No	No		
Interior Renovations -MULI PRIME	4/16/2024	Building	Procede Electrical Construction	Open Shop	\$168,810	3	No	No		
Interior Renovations -MULI PRIME	4/16/2024	Building	Wise Electrical Contractors LLC	Mixed/Verify	\$172,975	4	No	No		
Interior Renovations -MULI PRIME	4/16/2024	Building	AJM Electric, Inc.	Union	\$208,000	5	No	No		
Interior Renovations -MULI PRIME	4/16/2024	Building	Hirschberg Mechanical	Open Shop	\$275,700	6	No	No		
Interior Renovations -MULI PRIME	4/16/2024	Building	Craftsource, Inc.	Open Shop	\$309,000	7	No	No		

Interior Renovations -MULI PRIME	4/16/2024	Building	Myco Mechanical Inc	Open Shop	\$316,330		
Interior Renovations -MULI PRIME	4/16/2024	Building	Dane and Son Construction Inc	Open Shop	\$318,234		
Interior Renovations -MULI PRIME	4/16/2024	Building	L.J. Paolillo Construction	Open Shop	\$350,255		
Interior Renovations -MULI PRIME	4/16/2024	Building	Premier Builders Inc	Open Shop	\$360,000		
Interior Renovations -MULI PRIME	4/16/2024	Building	PARKOROURKE Associate Inc	Open Shop	\$367,025		
Interior Renovations -MULI PRIME	4/16/2024	Building	Twining Construction Co., Inc.	Open Shop	\$378,418		
Interior Renovations -MULI PRIME	4/16/2024	Building	Donald E. Resinger, Inc.	Open Shop	\$454,230		
2024 Summer Flooring	4/6/2024	Building	Barb-Lin Carpet One	Open Shop	\$207,994	1	Yes
2024 Playground Renovation	3/18/2024	Other	T. Schiefer	Open Shop	\$1,175,000	1	Yes
2024 Playground Renovation	3/18/2024	Other	Premier Builders Inc	Open Shop	\$1,421,718	2	No
2024 Playground Renovation	3/18/2024	Other	DEPAUL AND COMPANY INC.	Union	\$1,001,021	3	No
Boiler Replacement at Butler	3/12/2024	Building	Tri-County Mechanical, Inc	Open Shop	\$364,000	1	Yes
Boiler Replacement at Butler	3/12/2024	Building	Five Star Inc.	Union	\$404,000		
Boiler Replacement at Butler	3/12/2024	Building	Guy M Cooper, Inc.	Open Shop	\$413,000		
Boiler Replacement at Butler	3/12/2024	Building	GEM Mechanical Services Inc	Union	\$418,067		
Boiler Replacement at Butler	3/12/2024	Building	Worth and Company	Open Shop	\$423,000		
Boiler Replacement at Butler	3/12/2024	Building	Myco Mechanical Inc	Open Shop	\$438,000		
Boiler Replacement at Butler	3/12/2024	Building	Alatates Mechanical LTD	Union	\$443,812		
Boiler Replacement at Butler	3/12/2024	Building	Chadwick Service Company	Union	\$485,000		
Boiler Replacement at Butler	3/12/2024	Building	LOB Mechanical, Inc.	Open Shop	\$503,450		
Boiler Replacement at Butler	3/12/2024	Building	McCloskey mechanical Contractors Inc	Union	\$766,000		
Cold Spring Outdoor Classroom	2/22/2024	Building	T. Schiefer	Open Shop	\$89,500	1	Yes
Cold Spring Outdoor Classroom	2/22/2024	Building	Premier Builders Inc	Open Shop	\$90,900	2	No
Cold Spring Outdoor Classroom	2/22/2024	Building	John G. Moser & Son, Inc.	Open Shop	\$103,699	3	No
Cold Spring Outdoor Classroom	2/22/2024	Building	Dane and Son Construction Inc	Open Shop	\$106,707	4	No
Cold Spring Outdoor Classroom	2/22/2024	Building	A.H. Cornwell & Son Inc	Open Shop	\$108,744	5	Yes
Cold Spring Outdoor Classroom	2/22/2024	Building	Twining Construction Co., Inc.	Open Shop	\$140,867	6	Yes
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	A.H. Cornwell & Son Inc	Open Shop	\$639,628	1	No
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	Construction Masters Services	Open Shop	\$941,237	2	Yes
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	Schlouch Inc.	Open Shop	\$1,034,221	3	No
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	T. Schiefer	Open Shop	\$1,061,878	4	Yes
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	Over Industries Inc	Open Shop	\$1,067,950	5	No
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	Grace Industries	Open Shop	\$1,082,628	6	No
Paving and Running Track Improvements - Cb South	12/7/2023	Paving	Gorecon	Open Shop	\$1,120,473	7	Yes

Project Name	Bid Date	Total Bidders	Open Shop	Union Bidders	Unknown/Mixe	% Open Shop	% Union	Lowest Bidder	Lowest Bid Amount	Projected Bidders
Pine Run Water Line	4/2/2026	6	5	1	0	83.3%	16.7%			5
2026 Paving Program	3/4/2026	14	11	2	1	78.6%	14.3%			11
Warwick Elem - Exterior Repairs	5/7/2026	7	3	3	1	42.9%	42.9%			3
2026 Summer Flooring	5/6/2026	4	4	0	0	100.0%	0.0%			4
CB East UST Closure	4/30/2026	8	6	2	0	75.0%	25.0%			6
Generator & ATS - Barclay, Pine Run, CB East	4/2/2026	2	1	0	1	50.0%	0.0%			1
2026 Playground Renovations	5/31/2026	5	4	0	1	80.0%	0.0%			4
Kutz & Linden Roof Replacement	2/5/2026	10	6	1	3	60.0%	10.0%			6
Holicong Chiller	2/3/2026	8	4	4	0	50.0%	50.0%			4
2026 Elevator Modernization	1/6/2026	2	1	1	0	50.0%	50.0%			1
Holicong UST Closure	5/1/2025	5	5	0	0	100.0%	0.0%			5
2025 Playground Renovation	4/3/2025	3	3	0	0	100.0%	0.0%			3
2025 Paving Program	3/6/2025	11	9	1	1	81.8%	9.1%			9
Generator Upgrade Ops/Transport Bldg	3/5/2025	6	3	3	0	50.0%	50.0%			3
Facade Repairs and Roofing at Holicong	3/4/2025	5	4	0	1	80.0%	0.0%			4
2025 Summer Flooring	3/4/2025	1	1	0	0	100.0%	0.0%			1
HVAC Equipment Replacement	12/10/2024	9	4	5	0	44.4%	55.6%			4
Kutz Forcemain replacement	5/14/2024	2	2	0	0	100.0%	0.0%			2
2024 Paving	4/16/2024	9	8	1	0	88.9%	11.1%			8
Interior Renovations	4/16/2024	0	0	0	0					0
Interior Renovations -MULTI PRIME	4/16/2024	14	12	1	1	85.7%	7.1%			12
2024 Summer Flooring	4/9/2024	1	1	0	0	100.0%	0.0%			1
2024 Playground Renovation	3/18/2024	3	2	1	0	66.7%	33.3%			2
Boiler Replacement at Butler	3/12/2024	10	5	5	0	50.0%	50.0%			5
Cold Spring Outdoor Classroom	2/22/2024	6	6	0	0	100.0%	0.0%			6
Paving and Running Track Improvements - Cb South	12/7/2023	7	7	0	0	100.0%	0.0%			7

Affiliation		Yes/No	Bid Result	Project Type
Open Shop	Yes		Low Bid	Sitework
Union	No		2nd	Paving
Unknown			3rd	Utility
Mixed/Verify			Other	Building
				Demolition
				Athletic Fields
				Other

§ 1-1502. Responsible Contractor Requirements. [Ord. No. 2226, 10/21/2024]

- a. This Part shall apply to public works projects undertaken directly by the Borough (but not municipal or other authorities) for construction, demolition, alteration, renovation, modernization, service or maintenance of buildings, structures or facilities valued at ~~\$250,000~~ \$500,000 or more in total that are subject to competitive bidding under the State College Purchasing Code but does not include road maintenance paving work that is limited to milling, patching, paving, and nominal related road repairs, as well as any culvert maintenance and repair work, roadway drainage piping or earthwork for stormwater management or stream restoration. All contractors and subcontractors of any tier that perform work on such projects, regardless of value of individual contract or subcontract packages shall meet the requirements of this Part.
- b. All firms engaged in public works contracts subject to this Part, including general contractors, construction managers, other lead or prime contractors, and subcontractors at any level, shall be qualified, responsible contracting firms 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 or otherwise participating in public works contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity and business ethics.
- ~~c. The firm will pay all craft employees on the project, at a minimum, the applicable wage and fringe benefit rates, as established for the classification in which the worker is employed, in accordance with the Pennsylvania Prevailing Wage Act, 43 P.S. § 165-1 et seq. These wages shall also be paid to employees performing any custom fabrication work for the project. For purposes of this subsection, custom fabrication shall mean the fabrication, assembly, modification or other production of non-standard goods, or materials, including components, fixtures, or parts thereof, that are fabricated, assembled or modified offsite, but produced specifically for a project covered by this Part. Fabrication shall include items specific for a project covered by this Part and not standard building materials that are typically purchased for unspecified projects. Fabrication shall also include the fabrication, assembly or other production of components or structures prefabricated to specifications for a particular project covered by this Part.~~

§ 1-1503. Contractor Responsibility Certifications. [Ord. No. 2226, 10/21/2024]

- a. As a condition of performing work on a public works contract subject to this Part, a general contractor, construction manager or other lead or prime contractor seeking award of a contract shall submit a Contractor Responsibility Certification as specified herein.
- b. The Contractor Responsibility Certification shall be completed on a form provided by the Borough and reference the project for which a bid is being submitted by name and contract or project number.
- c. In the Contractor Responsibility Certification, the construction manager, general contractor or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:
 - (1) The firm and its employees have all licenses, registrations, certificates or other credentials required by federal and state law and the laws of the Borough with respect to the contract work it seeks to self-perform.
 - (2) The firm meets the bonding requirements for the contract required by law or contract specifications, as well as applicable insurance requirements for the contract, including general liability, workers compensation, and unemployment insurance.
 - (3) The firm has not been debarred or suspended by any federal, state or local government agency or authority in the past three years.
 - (4) The firm has not defaulted on any project in the past three years.
 - (5) The firm has not had any type of business, contracting or trade license, registration, or certification revoked or suspended in the past three years.
 - (6) The firm and its principals/owners have not been convicted of any crime relating to its contracting business in the past 10 years.
 - (7) Within the past three years, the firm has not been found in violation of any law applicable to its contracting business, including, but not limited, to licensing laws, tax 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 \$5,000 or more.
 - (8) The firm will employ a sufficient number of craft labor personnel required to successfully perform any project work it self-performs or shall use qualified subcontractors to meet this requirement.
 - (9) The firm shall ensure that all craft labor it employs on the project will have completed, prior to working on the project the OSHA 10-hour training course for safety established by the U.S. Department of Labor and at least one person with OSHA 30 training.
 - (10) The construction manager, general contractor, or other lead or prime contractor responsible for the project shall ensure that at least 70% of the craft labor workforce employed on the project workforce shall be comprised of either journeyman, workers who have successfully completed an apprenticeship training program registered with

and approved by the U.S. Department of Labor or a state apprenticeship agency or registered apprentices currently enrolled in such programs.

- (a) The intent of these craft labor requirements is that the great majority of the craft labor personnel employed on the project have the requisite skills and qualifications to perform the project work as they will be participants in or graduates of bona fide apprenticeship training programs in each trade or craft in which their services are utilized.
- (b) For purposes of this subsection, apprenticeship training programs may include those which are subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq. ("ERISA"), or non-ERISA programs.
- (c) To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and the names and addresses of all applicable apprenticeship programs relating to craft personnel utilized on the project.
- (d) An exemption to the requirements of this Section 1510.10, shall be approved under one of the following conditions:
 - (1) Submission of Experienced Modified Rate (EMR) of 1.0 or less. This rate is an experience modification rating calculation used by insurance firms to price the cost of workers' compensation premiums and is recognized as an industry standard for safety; or
 - (2) A majority of workers on job site is able to demonstrate sufficient training and/or continuing education in worker classification, including, but not limited to, completion or participation in a Class A registered apprenticeship program; completion of a relevant post-secondary education degree or certificate; evidence of completion of relevant curriculum from the National Center for Construction Education & Research; or evidence of more than ten (10) years of relevant job experience; or
 - (3) Evidence of successful completion of a relevant public works project in the Borough.
- (11) The firm shall assign workers to perform only work in their respective craft or trade for which they have sufficient skills and training or shall use qualified subcontractors to meet this requirement.
- (12) The firm shall comply with the wage requirements set forth in § 1-1502, Subsection c of this Part. The minimum wage for custom fabrication work shall be the same as the wage paid for project work in accordance with each applicable trade or classification.
- (13) The firm has all other technical qualifications and resources, including equipment, personnel and financial resources, to successfully perform the referenced contract and shall maintain such capabilities throughout the duration of the project, or will obtain same through the use of qualified, responsible subcontractors, or vendors.
- (14) The firm will maintain all qualifications, resources and capabilities referenced in this certification throughout the duration of the project.

- (15) The firm shall notify the Borough within seven days of any material changes in its operation that relates to any matter attested to in this certification.
- (16) 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 Part shall not establish a presumption of contractor responsibility, and the Borough may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including information regarding the firm's technical qualifications, financial capacity or other resources and performance capabilities. The 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.

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- e. The submitting firm 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 § 1-1505 of this Part.
- f. If the submitting firm has ever operated under another name or is controlled by another company or business entity or in the past five 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 an appendix 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.
- 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 the Borough because of its refusal to accept a bid for this reason.

Proposal to Amend Language in Draft RCP – CBSD

1. Remove Paragraph 9 and replace with the following:

(a) The firm maintains OSHA-10 certifications for all of craft employees and shall maintain onsite, at all times while work is being performed under the contract, a foreman, project manager, project superintendent or the equivalent who is OSHA-30 certified; and (b) the firm maintains an Experience Modified Rate (EMR) of 1.0 or less, or is able to demonstrate that 70% of its workforce has sufficient training or continuing education for their craft employee classification, which may include one or any combination of the following: (i) completion or participation in a Class A Apprenticeship Program; (ii) a technical college degree or participation in a technical college degree program; (iii) graduation and certification from a State-certified vocational-technical school such as Middle Bucks Institute of Technology or the equivalent; (iv) participation in National Center for Construction Education & Research curriculum; (v) participation in a certified training program provided by an industry provider relevant to the equipment/material that craft employees will use on the site; or (vi) no less than 10 years of experience in the relevant trade.

2. Insert the following commitment:

The firm working on any project shall engage a third party safety inspector approved by the district to perform weekly safety inspections of the work and shall report to the district and correct, within twenty-four (24) hours, any deficiency identified by such safety inspector.

Edit for clarity: Remove 70% requirement related to Class A Apprenticeship Program on page 4 of the proposed policy.