City Of Milwaukee
Department of Public Works
Room 501 – Frank P. Zeidler Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202-3684

INVITATION TO BID

Commissioner of Public Works
Phone: 414-286-3314

OFFICIAL NOTICE NO. 119-1-2016
PROJECT NO. WT450164100

Sealed bids for the work, material, labor, and services hereinafter described will be received at the Department of Public Works Contract Office, Room 506, Frank P. Zeidler Municipal Building, 841 North Broadway, Milwaukee, Wisconsin 53202-3684, **no later than Thursday, November 17, 2016 at 10:30 A.M.**

IMPORTANT

This bid is your offer to perform or supply the subject matter under "DESCRIPTION" below according to the terms and conditions set forth in this Invitation to Bid, Specific Official Notice No. 119-1-2016, General Specifications, Detailed Specifications, Special Provisions, Plans of this particular project, the proposed contract and Special Conditions when applicable.

Your bid must meet the Detailed Specifications and the Plans for this particular project.

You must agree to comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

The bid must be signed as set forth in the General Specifications and must comply with all the requirements therein set forth, or it will not be considered. If submitted by a corporation, the bid proposal must bear the corporate seal.

Bid security hereinafter specified must be submitted with your bid. If a bid bond is used, it must be sealed by the bonding company and be accompanied by an affidavit of no interest and a copy of a power of attorney. Bonding agents must be licensed to do business in the State of Wisconsin.

Bids received after the date and the time above specified will not be opened and read and will be deemed rejected.

NOTE: Also read the General Official Notice to Contractors, General and Detailed Specifications, Special Provisions, and Special Conditions when applicable pertaining to this bid.

Official Notice No. 119-1-2016
Project No. WT450164100

Description: HP-184: COAGULATION BASIN #4 FLOCCULATOR UPGRADES

The SBE Requirements for this Project are: **10%**
The Residents Preference Program Requirements for this Project are: **40%**
The Apprenticeship Requirements for this Project are: **1 – Construction Craft Laborer**
Liquidated damages per diem (applies for Project Completion Date): **$640.00**

Project Completion Date: All work shall be completed per the schedule below:

MARCH 31, 2017 **SUBSTANTIAL COMPLETION**
APRIL 28, 2017 **FINAL COMPLETION**

Contractor shall not begin work on this project prior to "NOTICE TO PROCEED"

A **MANDATORY** Pre-Bid Meeting is scheduled for **Wednesday, November 9, 2016 at 11:00 A.M.** in the Howard Water Treatment Plant Conference Room, 3929 South 6th Street, Milwaukee, WI 53221. The City of Milwaukee will **ONLY** receive bids from prospective bidders who are in attendance at the **MANDATORY** Pre-Bid Meeting. The official envelope for submitting a bid and bid bond form will be available at the **MANDATORY** Pre-Bid Meeting. All attendees are required to e-mail **philip.greuel@milwaukee.gov** and **anthony.aquila@milwaukee.gov** at least 24 hours in advance of the Pre-Bid Meeting to be placed on the visitor list for access to the Howard Water Treatment Plant. A site visit will be available at the conclusion of the **MANDATORY** Pre-Bid Meeting.

NOTE: BIDS WILL BE OPENED AND PUBLICLY READ AT THE OFFICE OF THE COMMISSIONER OF PUBLIC WORKS ON **NOVEMBER 17, 2016 AT 10:30 A.M.**

Bid Security Required: Bond (either Electronic thru Bid Express or Paper), Certified Check, Cashier's Check or Cash to accompany bid: 10% of the Contractor's Base Bid. For those bids being submitted through BID EXPRESS and using a Paper Bond, the contractor may fax a signed/executed copy of the bid bond to the Department of Public Works Contract Office at 414-286-8110. **HOWEVER, THE FAXED COPY OF THE BOND MUST BE RECEIVED BY NO LATER THAN 10:30 A.M. ON THE SAME DATE THAT THE BIDS ARE DUE FOR THAT SPECIFIC OFFICIAL NOTICE, OR THE BID WILL BE CONSIDERED NON-RESPONSIVE**. The original bid bond document will then need to be submitted by the contractor to the Department of Public Works Contract Office, Rm. 506, Municipal Building, immediately upon being notified that they are the apparent low bidder. Form DPW-126-LICENSED SURETY CORPORATION BID BOND will be available at the **MANDATORY** Pre-Bid Meeting.

Specifications and Contract Drawings for this project will be available to prospective bidders via **http://www.mpw.net/bids/docs/119-2016/.** Reference Drawings will **ONLY** be available for viewing at the Milwaukee Water Works Linnwood Water Treatment Plant located at 3000 North Lincoln Memorial Drive, Milwaukee, WI 53211, by appointment. Appointments may be made **ONLY** by e-mail to **philip.greuel@milwaukee.gov** and **anthony.aquila@milwaukee.gov.** Any required addenda or response to questions related to the Plans and Technical Specifications will be posted on the website.

Please call (414) 286-3204 if you would like to have your company's name placed on the Plan Holder's List once you print off the documents to bid.

The contractor shall specifically note the Equipment/Qualifications Questionnaire, SBE, Residency, and Apprenticeship Guidelines and necessary Forms for this project. If the forms are not filled out properly, it will be cause for rejection of the bid. These forms may be accessed via **http://www.mpw.net/services/bids_home**.

Bidders are advised that "Federal Davis-Bacon Wage Rates and wage rate monitoring will be required." The contractor shall take note of the two (2) wage scales included with this bid – the Prevailing Wage Rate issued by the State of Wisconsin and the Davis-Bacon Wage documents as issued by the U.S. Department of Labor Wage and Hour Division. The contractor is required to pay the **HIGHER** of the two (2) wage scales.

IMPORTANT NOTICE: The Invitation to Bid, all bid documents, and the Specifications for the listed project are all available electronically on the DPW website AS WELL AS on the Bid Express Website. At this time, Bids can be submitted using either Bid Express OR by submitting paper bids in the usual manner. However, Bidders are strongly encouraged to utilize the electronic and/or Bid Express methods of obtaining bid documents and Bid Express for submitting bids, as in the near future the Department of Public Works intends to have bid documents available only electronically and through Bid Express, *and to accept bid submittals only via Bid Express.* Electronic documents can be obtained via **http://www.mpw.net/bids/docs/119-2016/** The Bid Express website is located at bidexpress.com. Any required addenda or response related to listed projects will be posted on both the DPW and Bid Express websites.

THE TRAINING CREDIT INCENTIVE WILL NOT APPLY TO THIS PROJECT.

Contractor must comply with all provisions of the CITY OF MILWAUKEE GENERAL OFFICIAL NOTICE TO CONTRACTORS may be found at **http://www.mpw.net/services/bids_home**.

FORM DPW-125 (REV. 7/20/05)

OFFICIAL NOTICE NO. 119-1-2016

Project No. WT450164100

B I D

City of Milwaukee
Department of Public Works
Room 501 - Frank P. Zeidler Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

(Bids Close: 10:30 A.M., THURSDAY, NOVEMBER 17, 2016 Time and Date)

Submit bids to: City of Milwaukee
Department of Public Works **Contract Office**
Room 506, 841 North Broadway
Milwaukee, Wisconsin 53202.

The undersigned _____

(A Corporation) (A Partnership) (An Individual)
(use one)

of _____

Street City Zip Code Telephone Number

hereby proposes to furnish work, material, labor and services as set forth in the description in the Invitation to Bid at and for the prices hereinafter named according to the provisions in the Official Notice and the Invitation to Bid, Detail Specifications, Special Provisions, Addenda's, if any, and Plans for this particular project on file in the office of the Commissioner of Public Works, and if successful, hereby agrees to enter into a contract with the City of Milwaukee with such sureties as required and set forth in the aforesaid documents for the performance of said contract (said contract form being on file in the office of the Commissioner of Public Works), and in accordance with the terms and conditions set forth in the contract documents, to-wit: written agreement, official notice, invitation to bid, bid, instructions to bidders, detail specifications, special provisions, special conditions when applicable, plans, schedule of fixed prices, supplemental agreements and all addenda.

In case of obtaining the award, the undersigned bidder anticipates using, subject to the approval of the Commissioner, the following subcontractors, with the class of work to be performed by each, which list should not be added to nor altered without the written consent of the Commissioner:

Name of Proposed Subcontractors	Class of Work	Amount	Check Box If SBE

HP-184: COAGULATION BASIN #4 FLOCCULATOR UPGRADES

AT

HOWARD WATER TREATMENT PLANT

OFFICIAL NOTICE NO. 119-1-2016

For furnishing and installing all equipment, labor and materials, training and start-up services for the **HP-184: COAGULATION BASIN #4 FLOCCULATOR UPGRADES** at the Howard Water Treatment Plant in accordance with plans and specifications for the lump sum bid of:

TOTAL LUMP SUM BID

(Bid in figures) $ _____

(Bid in words) $ _____

BIDS MUST BE TYPED OR PRINTED IN INK

*** IMPORTANT NOTICE ***

ALL BID PRICES MUST BE ENTERED IN WORDS AND IN NUMERALS. IN CASE OF VARIATION BETWEEN THE TWO, THE WORDS WILL PREVAIL.

IN ADDITION, IF THERE IS A DISCREPANCY BETWEEN THE TOTAL INDICATED IN THE PROPOSAL AND THE AMOUNT OBTAINED BY ADDING THE PRODUCTS OF THE QUANTITIES TIMES THE UNIT PRICES, THE LATTER SHALL GOVERN. ANY ERRORS FOUND IN THE TOTAL INDICATED SHALL BE CORRECTED AND THE CONTRACT AWARD SHALL BE MADE TO THE LOWEST RESPONSIBLE BIDDER BASED ON THE CORRECTED TOTAL.

If DOUBT EXISTS AS TO WHAT IS BID, THE BID WILL BE REJECTED.

Official Notice No. 119-1-2016
Project No. WT450164100

EQUIPMENT/QUALIFICATIONS QUESTIONNAIRE

The bidder shall enter the names of the manufacturers of the equipment that the Bidder proposes to furnish, as well as qualification data, and shall submit this Equipment/Qualifications Questionnaire with the Bid. City will review and evaluate the information before award of the Contract.

Only one manufacturer's name shall be listed for each item of equipment. Upon award of Contract, the named equipment shall be furnished, and the named inspection firm shall be used.

Preliminary acceptance of equipment listed by manufacturer's name shall not in any way constitute a waiver of the specifications covering such equipment; final acceptance will be based on full conformity with the Contract Documents.

Failure to furnish all information requested or entering more than one manufacturer's name for any item in this Equipment/Qualifications Questionnaire shall be cause for the Bid to be considered non-responsive.

1) **SHAFTS**:

Shaft Manufacturer _____

Shaft Supplier _____

Similar shaft installation experience in the last five (5) years (Name at least three (3) installations, include name of contact and telephone number)

_____
_____
_____
_____
_____
_____
_____

2) **BEARINGS**:

Bearing Manufacturer _____

Bearing Supplier_____

Similar bearing Installation experience in the last five (5) years (Name at least three (3) installations, include name of contact and telephone number)

_____
_____
_____
_____
_____
_____
_____

3) **BEARING SLEEVE ASSEMBLY INSPECTION (SLUDGE REMOVAL SYSTEM)**:

Inspection Firm _____

Similar inspections performed by Firm

_____

_____

_____

_____

_____

_____

_____

Official Notice No. 119-1-2016
Project No. WT450164100

ACKNOWLEDGEMENTS PAGE

SMALL BUSINESS ENTERPRISE, RESIDENT PREFERENCE AND APPRENTICESHIP PROGRAM REQUIREMENTS

In submitting this bid, the bidder acknowledges, understands and agrees that submission of a bid shall commit the bidder to comply with the City's requirements as outlined in the SMALL BUSINESS ENTERPRISE PROGRAM (SBE), the Resident Preference Program and the Apprenticeship Program provisions. The bidder also agrees to comply with the specific requirements as follows:

The bidder's commitment for SBE participation on this project is **10** %

The bidder's commitment for Resident Preference Program Participation on the project is **40** %

The bidder's commitment for Apprenticeship Program participation on this project is:

Apprentice(s) from the following trade(s) are to be employed: **1 – Construction Craft Laborer**

In submitting this bid, the bidder understands that the Commissioner of Public Works reserves the right to reject any and all bids. If written notice of the acceptance of the bid is mailed, telegraphed, or delivered to the undersigned within forty-five (45) days after the opening thereof, the undersigned agrees to execute and deliver the contract in the prescribed form (contract form on file in the office of the Commissioner of Public Works) and furnish the required performance and payment bonds, and to meet such insurance requirements as may be required, within ten (10) days after the receipt of the official notice of award.

This bidder understands that if they are the successful bidder and the contract is awarded, that pursuant to Sec. 7.14, Milwaukee City Charter, 1971 Compilation, as amended, failure to execute and to deliver the contract or to furnish the required insurance and the required security within ten (10) days after receipt of the official notice of award or such extension thereto as the Commissioner only may deem reasonable, the City, in addition to any other legal or equitable remedy which it may have, may annul the award and notice of award, and the bid security of this bidder will be forfeited.

Attached hereto is an affidavit in proof that the undersigned has not colluded with any person in respect to this bid or any other bid for the contract for which this bid is submitted.

We acknowledge the receipt of Addenda _____ to _____ inclusive.

Bidder assures the City and acknowledges that the Official Notice, Special Provisions, if any, Special Conditions where applicable, Invitation to Bid and Bid, Detail Specifications, Addenda, if any, and Plans of this particular project have been read and has a full understanding of the provisions therein.

Official Notice No. 119-1-2016
Project No. WT450164100

Rev. 2/2012

SIGNATURE PAGE

IMPORTANT – THREE (3) SIGNATURES ARE REQUIRED OR BID WILL BE CONSIDERED NONRESPONSIVE

In signing and submitting this bid, the bidder assures the City of Milwaukee that the Official Notice, Notice to Bidders, Special Conditions where applicable, Invitation to Bid and Bid, Detail Specifications, Special Provisions, Schedule of Fixed Prices, Addenda, and Plans of this particular project have been read and understood and that the furnishing of the subject work, material, labor and services is under bidder's control. If the bidder's performance is contingent upon the acts of another party, the bidder assures that they have the necessary commitments to complete the contract which may be awarded.

Submitted by _____
Name of Bidder (person, firm or corporation)

Telephone No. _____

Fax No. _____

Address _____

_____
(City, State, Zip Code)

Signed per _____
(Manual **signature required**)

Official Capacity _____

BID DATED _____ SBE Contractor: Yes/Designation _____
No _____

If a Corporation, answer the following:

Incorporated under laws of what state? _____

If a foreign corporation, are you licensed to do business in Wisconsin? _____

SWORN STATEMENT OF BIDDER
AS REQUIRED BY
SECTION 66.0901 (7) WISCONSIN STATUTES

I, being first duly sworn at _____
(City, State)
on oath state on behalf of said bidder, that I have examined and carefully prepared this proposal from the plans, specifications, and the other contract documents and have checked the same in detail before submitting this proposal; and this sworn statement is hereby made a part of the foregoing proposal.

Signature _____

_____
(Title, if any)

Subscribed and sworn to before me this

_____ day of _____, 20_____

_____
(Notary **Signature**)

Notary Public, _____ County

State of _____

My commission expires _____

Official Notice No. 119-1-2016
Project No. WT450164100

NON-COLLUSION AFFIDAVIT

State of _____)
) ss.
County of _____)

_____, being first duly sworn, deposes and says that:

(1) He is _____
(owner, partner, officer, representative, or agent)

of _____, the Bidder that has submitted the attached Bid;

(2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Commissioner of Public Works or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Check One) _____
Signature of

_____ Bidder if the bidder is an individual;

_____ Partner if the bidder is a partnership;

_____ Officer if the bidder is a corporation.

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____
Notary Signature

My commission expires _____, 20_____.

State of Wisconsin
Department of Workforce Development
Equal Rights Division

Disclosure of Ownership

The statutory authority for the use of this form is prescribed in Sections 66.0903(12)(d), 66.0904(10)(d) and 103.49(7)(d), Wisconsin Statutes.
The use of this form is mandatory. The penalty for failing to complete this form is prescribed in Section 103.005(12), Wisconsin Statutes.
Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1) (m), Wisconsin Statutes].

(1) On the date a contractor submits a bid to or completes negotiations with a state agency, local governmental unit, or developer, investor or owner on a project subject to Section 66.0903, 66.0904 or 103.49, Wisconsin Statutes, the contractor shall disclose to such state agency, local governmental unit, or developer, investor or owner, the name of any "other construction business," which the contractor, or a shareholder, officer or partner of the contractor, owns or has owned within the preceding three (3) years.

(2) The term "other construction business" means any business engaged in the erection, construction, remodeling, repairing, demolition, altering or painting and decorating of buildings, structures or facilities. It also means any business engaged in supplying mineral aggregate, or hauling excavated material or spoil as provided by Sections 66.0903(3), 66.0904(2), 103.49(2) and 103.50(2), Wisconsin Statutes.

(3) This form must ONLY be filed, with the state agency project owner, local governmental unit project owner, or developer, investor or owner of a publicly funded private construction project that will be awarding the contract, if **both (A) and (B) are met**.

(A) The contractor, or a shareholder, officer or partner of the contractor:

(1) Owns at least a 25% interest in the "other construction business," indicated below, on the date the contractor submits a bid or completes negotiations; or

(2) Has owned at least a 25% interest in the "other construction business" at any time within the preceding three (3) years.

(B) The Wisconsin Department of Workforce Development (DWD) has determined that the "other construction business" has failed to pay the prevailing wage rate or time and one-half the required hourly basic rate of pay, for hours worked in excess of the prevailing hours of labor, to any employee at any time within the preceding three (3) years.

Other Construction Business

Business Name			
Street Address or P O Box	City	State	Zip Code
Business Name			
Street Address or P O Box	City	State	Zip Code
Business Name			
Street Address or P O Box	City	State	Zip Code
Business Name			
Street Address or P O Box	City	State	Zip Code

I hereby state under penalty of perjury that the information, contained in this document, is true and accurate according to my knowledge and belief.

Print the Name of Authorized Officer	
Authorized Officer Signature	Date Signed
Corporation, Partnership or Sole Proprietorship Name	

Street Address or P O Box	City	State	Zip Code

If you have any questions call (608) 266-6861

PREVAILING WAGE NOTICE

ALL PREVAILING WAGE CONTRACTS AWARDED BY THE DEPARTMENT OF PUBLIC WORKS AFTER THE FIRST OF ANY CALENDAR YEAR ARE SUBJECT TO THE NEW PREVAILING WAGE SCHEDULE THAT GOES INTO EFFECT ON JANUARY 2ND. THE PREVAILING WAGE SCHEDULE INCLUDED IN BID PACKAGES ISSUED LATE IN THE PRECEDING YEAR MAY NOT BE TOTALLY ACCURATE FOR CONTRACTS OFFICIALLY AWARDED AFTER THE TURN OF THE YEAR. THE NEW PREVAILING WAGE WILL BE INCORPORATED INTO THE CONTRACT WHEN AWARDED.

BIDDERS ARE REQUIRED TO UTILIZE THE WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT'S "DICTIONARY OF OCCUPATIONAL CLASSIFICATIONS AND WORK DESCRIPTIONS" TO DETERMINE THE APPROPRIATE JOB CLASSIFICATIONS AND WAGE RATES FOR THEIR EMPLOYEES PRIOR TO BIDDING. THIS DOCUMENT CAN BE FOUND ON THEIR WEBSITE AT DWD.WISCONSIN.GOV; TYPE "DICTIONARY" IN THE SEARCH BOX.

ALL BIDDERS ARE TO COMPLY WITH DAVIS-BACON AND RELATED ACTS. THE DAVIS-BACON AND RELATED ACTS REQUIRE ALL MECHANICS AND LABORERS EMPLOYED ON PROJECTS FUNDED IN WHOLE OR IN PART WITH FEDERAL ASSISTANCE TO BE PAID WAGES AT NO LESS THAN THE LOCALLY PREVAILING RATE, AS DETERMINED BY THE U.S. DEPARTMENT OF LABOR (DOL). FEDERAL DAVIS-BACON WAGE RATES AND WAGE RATE MONITORING WILL BE REQUIRED.

SECTION 3.0 OF THE "NATIONAL ARRA BANDBOOK-VERSION 3.2", AVAILABLE ON EPA'S WEBSITE AT HTTP://CESRFTRAINING.NET/RECOVERY/HANDBOOK/INDEX.HTML, INCLUDES DETAILS REGARDING FEDERAL FUNDING RECIPIENTS' DAVIS-BACON RESPONSIBILITIES. THE APPENDICES REFERRED TO BELOW ARE INCLUDED IN THE "NATIONAL ARRA HANDBOOK APPENDICES-VERSION 3.1", WHICH IS ALSO AVAILABLE AT THE ABOVE WEB ADDRESS.

Revised: 7/15/2009
Updated: 5/2013

City of Milwaukee

Department of Public Works

Residents Preference Program Provisions

I. General

A. In accordance with Chapter 309 of the Milwaukee Code of Ordinances, residents preference hiring is required for all construction contracting activities of the Department of Public Works. The ordinance requires that 40% of WORKER HOURS worked on a DPW contract be performed by UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the City, except in special cases where the Commissioner of Public Works determines there is sufficient reason to impose lesser levels of participation. Further, the Commissioner of Public Works may increase the percentage of RESIDENT worker participation to more than 40% on specific contracts. For this contract, bidders are required to show that the minimum percent of WORKER HOURS, as listed in the acknowledgements section/page and/or the Official Notice document will be performed by UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the City. Up to one-third of required worker hours may be achieved by documenting the use of UNEMPLOYED or UNDEREMPLOYED RESIDENTS on projects undertaken by the contractor where such compliance is not required, or by hiring UNEMPLOYED or UNDEREMPLOYED RESIDENTS on a full-time permanent basis for non-construction job categories connected to the project. Such adjustments must be proposed in an affidavit on a form provided by the department setting forth the facts upon which the request for adjustment is based.

B. The contractor, prior to commencing work, shall submit an affidavit (Form I) for proof of residency for all employees utilized by the contractor and subcontractors to meet the Residents Preference Program requirements, stating that each employee is either UNEMPLOYED or UNDEREMPLOYED and is a RESIDENT of the City. The contractor shall prepare and submit accurate and timely resident utilization forms and reports to the Department of Public Works. Time Reports shall be submitted within ten (10) days following completion of work, or every three months, whichever comes first. The reports shall identify the name, address, race, gender, work classification, wage rates and hours worked of all employees utilized on the contract by the contractor and all subcontractors. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until the summary of hours worked on the back of the Prime Contractor's Affidavit of Compliance is completed and on file with the Department of Public Works. Forms shall be submitted to DPW, Room 506, Municipal Building, 841 North Broadway, Milwaukee, WI 53202.

C. During the performance of this contract the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, or if the contractor, prime or sub, submits any documents which contain any false, misleading, or fraudulent information, or if the contractor or subcontractor fail to comply with this ordinance, the Department of Public Works may take one or more of the actions listed below.

1. Withhold payments on the contract.

2. Terminate or cancel the contract, in whole or in part.

3. Consider possible debarment of the contractor from bidding for a period of up to two years.
4. Any other remedy available to the City at law or in equity.

D. The penalty for any person, firm, or corporation knowingly engaging in fraud, misrepresentation, or in any attempt directly or indirectly, to evade the provisions of this ordinance by providing false, misleading, or fraudulent information shall, upon conviction, forfeit not less than $1,000 or more than $5,000 together with the costs of prosecution and, upon default of payment, shall be imprisoned in the county jail or house of correction not to exceed 90 days, or until the forfeiture costs are paid.

II. Definitions

A. RESIDENT – A person who maintains his or her place of permanent abode in the City of Milwaukee. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the City. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitations, the location where a person votes, pays personal income taxes, or obtains a driver's license.

B. UNEMPLOYED or UNDEREMPLOYED – a RESIDENT that has worked less than 1,200 hours in the preceding 12 months or has not worked in the preceding 30 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin Department of Public Instruction to define eligibility for reduced lunch in public schools. A RESIDENT will continue to qualify as unemployed or underemployed for five (5) years from the date he or she first participates in a contract under Chapter 309. If a RESIDENT becomes an apprentice for a contractor or becomes a participant in an on-the-job training program as determined by the City immediately after or in the course of performing on a particular construction contract, he or she shall continue to qualify as unemployed or underemployed for a period not exceeding 5 years from the date the person became an apprentice or participant in such on-the-job training program.

C. WORKER HOURS – means the total hours worked on a construction contract by skilled and unskilled construction trade workers, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a construction site shall be included, whether or not such tasks are performed on the construction site. "Worker hours" includes work performed by persons filling apprenticeships and participating in on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

III. Residency Utilization Requirements

A. The contractor shall utilize UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the City in a minimum amount equal to the percentage of the WORKER HOURS as stated in paragraph IA above.

B. The contractor, by signing and submitting a bid, certifies that it understands the provisions of Chapter 309 and knows of and intends to comply with them, and shall ensure that all subcontractors are also informed.

C. The contractor shall maintain, and shall ensure that all subcontractors maintain, personnel records listing the name, address, race and gender of all employees utilized for this contract and any records demonstrating that the employees utilized by the contractor in meeting the residency requirements are actual residents of the City. These records shall be maintained for seven (7) years after the contractor has received final payment under the contract and shall be made available to the Commissioner of Public Works upon reasonable notice.

D. Compliance with these residency requirements is an element of bid responsiveness. Failure to meet the specified residency requirements will render the bid unresponsive, and the Commissioner of Public Works may then recommend the award to the next apparent low bidder.

E. The City recognizes the following organization which can be contacted for access to trained or qualified workers from the City. Other organizations or sources of qualified RESIDENTS can be used at the bidder's discretion.

Big Step, located at 3841 West Wisconsin Avenue, Milwaukee, WI 53208. Telephone 414-342-9787, fax number 414-342-3546.

F. If the prime contractor has problems in meeting the residency requirements or if any other problems relative to residency participation arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.

G. Right to Appeal – All contracts awarded under ss. 7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with any applicable City ordinances relating to the participation of Small Business Enterprise Programs or requiring participation of City RESIDENTS. Following the opening of any bid where the Commissioner has considered compliance with such City ordinances, the Commissioner shall publish in an official City newspaper his or her determination as to the lowest responsible bidder. Any bidder who objects to the determination based on the consideration of such City Ordinances, may appeal the recommendation by filing a written appeal with the Commissioner within five (5) working days of the date of publication. The appeal shall state the specific objection to the determination, including supporting documentation, and specify an alternative determination. Any appeals that do not conform to this section shall not be considered. The Commissioner shall schedule a hearing before the Public Works Contract Appeals Committee which shall be comprised of the chair of the Economic Development Committee or his or her designee and a member of the Economic Development Committee selected by the chair and the Director of Administration or his or her designee to be held within five days of receipt of the appeal. The Public Works Contract Appeals Committee shall have the authority by majority vote to affirm or set aside the determination of the Commissioner and their decision in this regard shall be final. In the event that a timely appeal meeting the requirements of this paragraph is not filed, or the Committee affirms the Commissioner's determination following a timely appeal, the Commissioner shall make an award in accordance with his or her determination.

FORM I (Rev.2016)

_____
Contractor Name

_____
DPW Contract No.

Employee Affidavit

Residents Preference Program

I certify that I maintain my permanent residence in the City of Milwaukee and that I vote, pay personal income tax, obtain my driver's license, etc. at
_____,Milwaukee, WI _____
(Address)
(Zip Code)

Residency status:

To verify my resident status, attached please find the following (check ***two***)

_____ Copy of my voter's certification form.
_____ Copy of my last year's Form 1040.
_____ Copy of my current Wisconsin Driver's License or State ID.
__ Copy of Other (i.e., Utility bill, Lease, etc.)

AND

Unemployment status:

I certify that I have been unemployed as follows: (Check those that apply)

_____ I have worked less than 1,200 hours in the preceding 12 months.
_____ I have not worked in the preceding 30 days.

OR

Underemployed status:

_____I certify that based on the attached chart (Income Eligibility Guidelines), I am underemployed.
.

_____
Print Name

_____
Sign Name

_____
Social Security Number

_____
Home Telephone Number

Subscribed and sworn to me this _____day

Of _____, _____ A.D.

My Commission Expires _____.

_____
Notary Public Milwaukee County

please return completed form and required attachments to:
Celeste Jantz | DPW Contracts Office | 841 N Broadway – Room 506 | Milwaukee, WI 53202

Income Eligibility Guidelines
July 1, 2016 to June 30, 2017

Eligibility determination is based on household size and income.
Total income must be *at* or *below* the amounts in this table.

Household Size	Yearly	Monthly	Twice per month	Every 2 weeks	Weekly
1	**21,978**	**1,832**	**916**	**846**	**423**
2	**29,637**	**2,470**	**1,235**	**1,140**	**570**
3	**37,296**	**3,108**	**1,554**	**1,435**	**718**
4	**44,955**	**3,747**	**1,874**	**1,730**	**865**
5	**52,614**	**4,385**	**2,193**	**2,024**	**1,012**
6	**60,273**	**5,023**	**2,512**	**2,319**	**1,160**
7	**67,951**	**5,663**	**2,832**	**2,614**	**1,307**
8	**75,647**	**6,304**	**3,152**	**2,910**	**1,455**
For Each Additional Household Member Add	**7,696**	**642**	**321**	**296**	**148**

Source: Wisconsin Department of Public Instruction

City Of Milwaukee

Department Of Public Works

Small Business Enterprise (SBE) Provisions

I. General

A. In accordance with Chapter 370 of the Milwaukee Code of Ordinances, Small Business Enterprise (SBE) participation is required in all contracting activities of the Department of Public Works. The ordinance requires that certified SBEs be utilized for 25% of the total dollars annually expended through prime contracts or subcontracts for Construction and the purchase of Goods and Services. For the purchase of Professional Services the requirement is 18%. To that end, the Commissioner of Public Works, as a contracting officer for the City, requires all bidders to utilize SBEs as subcontractors and material suppliers on all contracts. For this contract, bidders are required to achieve the minimum percent of SBE participation listed in the Acknowledgements page/section and/or the Official Notice document.

B. The prime contractor shall prepare and submit accurate and timely SBE utilization forms and reports to the Department of Public Works. The reports shall include, but not be limited to, Compliance Plan (Form A), monthly utilization (Form D), and SBE subcontractor payment certification (Form E) forms as directed. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until final SBE utilization reports and SBE subcontractor payment certification forms are on file with the Department of Public Works.

C. During the performance of this contract, the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, the Department of Public Works may take one or more of the actions listed below:

1. Terminate or cancel the contract, in whole or in part.

2. Consider possible debarment of the prime contractor from bidding.

3. Withhold payments on the contract.

4. Any other remedy available to the City at law or in equity.

II. Definitions

A. "SMALL BUSINESS ENTERPRISE" (SBE) means a small business concern that is 51% owned, operated and controlled by one or more individuals who are a minority, woman and/or a small business owner (who is at an “economic disadvantage”). The individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of their ownership.

B. "OWNED, OPERATED AND CONTROLLED" means a business which is one of the following:

1. A sole proprietorship legitimately owned and operated and controlled by a minority, women or an individual at a disadvantage as defined in Chapter 370.

2. A partnership or joint venture legitimately owned, operated and controlled by individuals who are minorities, women or individuals who are at a disadvantage

and who own at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise eligible as defined in Chapter 370.

3. A corporation legitimately owned, operated and controlled by one or more individuals who are a minority, woman or individual at a disadvantage and who own at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation eligible as defined in Chapter 370.

III. SBE Utilization Requirements

A. Each prime contractor shall utilize SBE to the minimum percent listed in the Acknowledgements section/page and or Official Notice Document for this contract. Note that the prime contractors shall be required to attain SBE participation on their base bid excluding specified allowances, alternatives, and change orders. SBE commitments relative to contract award shall be based upon the approved SBE Compliance Plan (Form A).

B. The determination of SBE utilization shall be based on the following criteria:

1. The firms identified as SBE by the prime contractor on the SBE Compliance Plan (Form A) must be certified by the Office of Small Business Development prior to bid opening.

2. The prime contractor shall be credited for the entire expenditure to SBE firms only if all of the identified scope of work is performed directly by the certified SBE firm.

3. The prime contractor shall be credited for the entire expenditure to SBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the SBE goals may be expended for SBE suppliers that do not manufacture products they supply.

4. The prime contractor shall count toward the SBE requirement only those payments to SBEs who perform a commercially-useful function in the actual performance of the contract. While that generally means an SBE should be engaged in direct contract work, a “commercially-useful function” may also include management of a third tier subcontractor. For example, while an SBE trucking subcontractor is always expected to perform some direct work on the project, in some cases it may become necessary to subcontract work out to one or more third tier subcontractors. If a third tier subcontractor is also an SBE, the full amount of the work performed by that third tier SBE can be counted toward SBE participation. However, if the third party subcontractor is not an SBE, the prime contractor may only count 20% of the amount being subcontracted to the third tier non-SBE subcontractor. SBEs are required to notify the Department of Public Works if they subcontract out work so that the Department can determine how much, if any, of the subcontracted work can be counted toward the SBE requirement. The Commissioner of Public Works will make the final determination and evaluation of whether the SBE is performing a commercially-useful function.

C. The contractor, by signing and submitting a bid, certifies that the contractor understands the provisions of Chapter 370 and knows of and intends to comply with them. The completed SBE Compliance Plan (Form A) must be submitted by the apparent low bid contractor within three (3) working days after the identification of the “low bidder.”

1. Information on Form A shall include, but not be limited to:

a. The names, addresses, telephone numbers, SBE Certification designation and contact person names for the certified SBE contractors that will participate on the project as subcontractors or suppliers;

b. A description of the scope of work to be performed by the SBE on this project; and

c. The SBE contractor dollar value(s) and corresponding percentages that the dollar values represent of the total contract amount.

2. Listing an SBE on the Compliance Plan (Form A) shall constitute a representation that the contractor has communicated directly with the SBEs listed. If awarded the contract, the bidder will enter into a subcontract with the firm for the portion of the work listed.

3. SBE participation is an element of bid responsiveness. Failure to meet the specified SBE requirements will render the bid unresponsive. The contract may then be awarded to the next apparent low bidder. Under certain circumstances, failure to meet specified SBE requirements after submission of an apparent low bid may result in surrender of the bidder's bid bond.

4. Only SBEs that have been certified by the Office of Small Business Development may be listed on the SBE Compliance Plan (Form A) and counted towards the percentage requirements on this project. A listing of the currently City certified SBE firms is maintained at:

Office of Small Business Development
200 East Wells Street
City Hall, Room 606
Milwaukee, Wisconsin 53202
Phone: (414) 286-5553
FAX: (414) 286-8752
www.milwaukee.gov/osbd

D. After execution of the contract, if for any reason an SBE cannot perform, the prime contractor shall contact the Commissioner of Public Works for approval to substitute another certified SBE firm. The prime contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitutions. Any difference in the cost occasioned by such substitution shall be borne by the prime contractor. If the prime contractor cannot find another certified firm to do the work at a comparable price, a non-SBE firm may be substituted with the approval of the Commissioner of Public Works.

E. If the prime contractor has a problem in meeting the SBE requirements or if any other problems relative to SBE(s) arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.

F. Certification from programs other than the Office of Small Business Development is neither accepted by the City of Milwaukee nor do they have any bearing whatsoever on the eligibility criteria established by the City of Milwaukee.

G. Right to Appeal.

All contracts awarded under ss.7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with applicable City ordinances for participation of the Office of Small Business Development. Following the opening of any bid involving a determination under applicable City ordinances for participation of SBE, the Commissioner of Public Works shall make a written recommendation as to the lowest responsible bidder and notify all bidders by publication in an official City newspaper as to the content of the written recommendation. Any bidder who objects to the recommendation on grounds of determinations made under applicable City ordinances for participation of SBE may appeal the recommendation on such grounds by filing a written appeal with the Commissioner of Public Works within five

(5) working days of the date of publication. The appeal shall state the specific objection to the recommendation, include supporting documentation and specify an alternative recommendation. The Commissioner of Public Works shall schedule a hearing before an appeals committee consisting of the Chair of the Economic Development Committee or the Chair's designee, a member of the Economic Development Committee selected by the Chair and the Director of the Office of Small Business Development to be held within five (5) days of receipt of the appeal. The Committee shall have authority by majority vote to affirm or set aside the recommendation of the Commissioner of Public Works and its decision in this regard shall be final. In the event a timely appeal, meeting the requirements above is not filed, or the Committee affirms the Commissioner's recommendation following a timely appeal, meeting the requirements above, the Commissioner shall make an award in accordance with the recommendation.

H. Percentage of Required SBE Participation

Construction 25%
The Purchase of Goods and Services 25%
The Purchase of Professional Services 18%

FORM A – COMPLIANCE PLAN – CITY OF MILWAUKEE – DEPARTMENT OF PUBLIC WORKS
M/W/SBE PARTICIPATION FOR SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS

PRIME CONTRACTORS NAME: _____ OFFICIAL NOTICE NUMBER: _____

DATE: _____ TOTAL BID AMOUNT: _____ TOTAL SBE AMOUNT: _____

This Form A must be completed in its entirety and is a **required** submission in conjunction with a Bid or Request for Proposal. Submit either with the bid or within **3** days of being notified as the apparent low bidder. List all proposed SBE subcontractor(s) and/or material supplier(s) for this project. **NOTE:** To receive full credit, SBE's must perform commercially useful work at the job site. ONLY up to twenty percent (20%) credit may be given under certain circumstances to SBE suppliers or other SBE contractors who assist in management of the project. I/We propose to utilize the following SBE subcontractor(s) and/or material supplier(s):

Fill in BID REQUIREMENTS: _____% **SBE**

M/W/SBE FIRM(S) NAME ADDRESS/CONTACT PERSON AND PHONE NUMBER	LIST DESIGNATION: WETHER SUPPLIER OR CONSTRUCTION LABOR	PERCENT OF BID	AMOUNT	EXPLAIN WORK TO BE PERFORMED / MATERIAL SUPPLIED	AUTHORIZED M/W/SBE(S) OWNER/ REPRESENTATIVE SIGNATURE OF ACKNOWLEDGEMENT
1.					
2.					
3.					
4.					
5.					

I certify that the information included on this Form A is true and complete to the best of my knowledge. I further understand and agree that this Form A is a condition of my Bid/RFP responsiveness. Failure to submit this form and/or meet the specified M/W/SBE requirements may render the Bid/RFP nonresponsive.

CONTRACTOR: _____ DATE: _____/_____/_____
(SIGNATURE & TITLE REQUIRED)

REVIEWED BY OSBD ANALYST: _____ DATE: _____/_____/_____

DEPARTMENT OF PUBLIC WORKS: _____ DATE: _____/_____/_____

DEPARTMENT OF PUBLIC WORKS
SMALL BUSINESS ENTERPRISE PROGRAM

Form D – SBE MONTHLY REPORT

(1) Report for the Month of _____ 20_____ (Final: yes ___ no ___)

(2) Prime Contractor/Firm _____

(3) Full Address & Phone Number: _____

(4) Description of work/service performed and/or material supplied _____

(5) DPW Contract No. **C**_____ (6) Official Notice No./Project Number _____

(7) Start Date: _____ (8) Prime Contractor's Total $: _____

(9) Completion Date: _____ (10) Prime Contractor to date $: _____

(11) Small Business % _____ and Small Business $ amount _____

List all SBE subcontractor firm(s) utilized in connection with the above contract, either as service performed and/or supplier for the month. This form shall be signed and returned**. If this represents the final report, be sure to attach SBE Payment Certification Form (Form E) for each sub listed.**

NAME OF SBE FIRM(s)	WORK/SERVICE PERFORMED or MATERIAL SUPPLIED	AMOUNT PAID FOR THE MONTH	TOTAL $ PAID TO DATE
TOTAL PAID TO SBE(s)			

I/we hereby certify that I/we have read the above and approved this information to be precise and confirmed.

(12) Report Prepared By: _____
(Name) (Title) (Phone Number)

(13) Authorized Signature : _____
(Name) (Title)

(14) Date _____

Note: This form should be submitted no later than the **20th of every month** to the **DEPARTMENT of PUBLIC WORKS CONTRACT ADMINISTRATION, Room 506, Frank P. Zeidler Municipal Building, 841 North Broadway, Milwaukee, WI 53202.**

DIRECTIONS FOR SBE MONTHLY REPORT (FORM D)

1. List the month that the report is being submitted. **Note: If this is the final report, check yes and submit Form E Subcontractor Payment Certification Form.**
2. Prime contractor's or firm's registered company name.
3. List full registered business address to include city/state, zip code and telephone number.
4. Brief description service performed and/or material supplied on this contract.
5. List the DPW Contract Number, as represented on the contract document.
6. List the project number as represented on the front page of the contract.
7. List the start date of the project.
8. List the total dollars awarded to the prime contractor.
9. List the completion date of the project.
10. Total dollars paid to Prime contractor to date.
11. List SBE percentage **REQUIRED** on this project and each SBE dollar amount.
12. List the name, title and phone number of the individual who prepared the report.
13. Provide the authorized signature and title of the individual who approves the report.
14. List the date that the report is completed.

THIS REPORT IS DUE THE 20TH OF EVERY MONTH FOR THE PREVIOUS MONTH'S ACTIVITY. FAILURE TO RETURN THIS FORM BY THE SPECIFIED TIME MAY CAUSE A DELAY IN PAYMENTS.

FORM E
(Rev.05/2013)

City Of Milwaukee

Department Of Public Works

Small Business Enterprise Program (SBE)
Subcontractor Payment Certification

(This form must be completed by the SBE subcontractor and attached to the Prime Contractor's Final SBE Form D Report)

-PRIME CONTRACTOR & SUBCONTRACTOR EXECUTES-

Section A – SBE Company Officer Completes **For Payment That Has Been Received.**

SBE Subcontractor Name: _____

Official Notice No. _____ Project No. _____ DPW Contract No. **C**_____

I hereby certify that I have received $ _____ for subcontract work on the above project.

Dated: _____ Signature of **SBE** Subcontractor: _____

Printed Name & Title of **SBE** Subcontractor:

_____

Acknowledged by **Prime** Contractor Signature: _____

Printed name & Title of **Prime** Contractor: _____

****

-PRIME CONTRACTOR & SUBCONTRACTOR EXECUTE-

Section B - Prime Contractor and SBE Company Officers Complete if **Full Payment Has Not Been Made to the SBE Subcontractor and a balance remains to be paid.**

Prime Contractor: _____

SBE Subcontractor: _____

Official Notice No. _____ Project No. _____ DPW Contract No. **C**_____

I hereby certify that I will pay $_____ to _____
(Name of SBE Firm)

for subcontract work on the above project.

Dated: _____ Signature of **Prime** Contractor: _____

Printed Name & Title of **Prime** Contractor: _____

Acknowledged by **SBE** Subcontractor Signature: _____

Printed Name & Title of **SBE** Subcontractor: _____

CITY OF MILWAUKEE

PRIME CONTRACTOR AFFIDAVIT OF COMPLIANCE

WITH MINIMUM WAGE SCALE AND SPECIAL AREA WORKER HOURS PROVISIONS

STATE OF _____) Project Name _____
) SS.
_____County) DPW Contract No. _____

I, _____, being duly sworn, state that:

1. I am the _____ of_____, a _____
(State)
corporation, partnership, or individual of _____, _____,
(City, Village, Township) (State)
and make this affidavit pursuant to the provisions of § 66.0903 (9), Wisconsin Statutes, and Wisconsin Administrative Code section §DWD 290.14 regarding wage and fringe benefit rates for municipal contracts for construction of public works and pursuant to Section 309-41 of the Milwaukee Code of Ordinances.

2. I have recently completed the work required under the terms of the contract dated _____, 20_____, with the City of Milwaukee, Department of Public Works for the construction of all or part of the above-named public works project and make this affidavit in order to obtain my final payment.

3. I have fully complied with the wage and hour requirements as set forth in the above-referenced contract and paid overtime rates (1½ times) for any work over ten (10) hours per day or forty (40) hours per week.

4. I have received similar evidence of compliance with the contract wage rates and special impact area worker hour requirements in the form of completed affidavits from each of my agents and subcontractors who worked on this project and have listed their names on the reverse side of this affidavit along with numbers and percentages of worker hours.

5. I have full and accurate records which clearly show the name, trade or occupation, and home address of every laborer, worker, or mechanic that I employed in connection with the work on this project, as well as the hours worked and actual wage and fringe benefits paid to such employees. These records will be kept at _____ _____ in the custody of _____, who address and telephone number are _____ _____ . These payroll records and the evidence of compliance set in Paragraph 4 will be retained and made available for inspection for a period of at least **seven (7)** years following the completion of the project and will not be removed without prior notification to the commissioner of Public Works.

Title	Officer Name	Address
President	_____	_____
Vice-President	_____	_____
Secretary-Treasure	_____	_____

Subscribed and sworn to before me this _____
day of _____, 20_____

_____

Notary Public, State of _____ _____
(Signature)

My Commission Expires: _____

- OVER -

SUMMARY OF HOURS WORKED

(TARGET RESIDENCY VS TOTAL HOURS)

Name	No. of Hours of Special Impact Area Workers	% of Total Hours	No. of Hours of All Other Workers	% of Total Hours	Total of All Worker Hours
Prime Contractor:					
Subcontractors:					
GRAND TOTAL					

(REV. 01/01/01)

CITY OF MILWAUKEE

SUBCONTRACTOR AFFIDAVIT OF COMPLIANCE

WITH MINIMUM WAGE SCALE AND SPECIAL AREA WORKER HOURS PROVISIONS

STATE OF _____)
) SS.
_____County)

Project Name _____

DPW Contract No. _____

I, _____, being duly sworn, state that:

1. I am the _____ of_____, a _____ (State) corporation, partnership, or individual of _____ (City, Village, Township), _____ (State) and make this affidavit pursuant to the provisions of § 66.0903 (9), Wisconsin Statutes, and Wisconsin Administrative Code section § DWD 290.13 regarding wage and fringe benefit rates for municipal contracts for construction of public works and pursuant to Section 309-41 of the Milwaukee Code of Ordinances.

2. I have recently completed the work required under the terms of the contract dated _____, 20_____ , with the City of Milwaukee, Department of Public Works and _____ (Name of Prime Contractor) for the construction of all or part of the above-named public works project and make this affidavit in order to obtain my final payment.

3. I have fully complied with the wage and hour requirements as set forth in the above-referenced contract and paid overtime rates (1½ times) for any work over ten (10) hours per day or forty (40) hours per week.

4. I have full and accurate records which clearly show the name, trade or occupation, and home address of every laborer, worker, or mechanic that I employed in connection with the work on this project, as well as the hours worked and actual wage and fringe benefits paid to such employees. These records will be kept at _____ _____ in the custody of _____, who address and telephone number are _____ . These payroll records and the evidence of compliance set in Paragraph 4 will be retained and made available for inspection for a period of at least **seven (7)** years following the completion of the project and will not be removed without prior notification to the commissioner of Public Works.

5. I certify that _____ were the total number of hours worked on this project with _____ hours being worked by residents of the special impact area and _____ hours being worked by all other workers.

Title	Officer Name	Address
President	_____	_____
Vice-President	_____	_____
Secretary-Treasure	_____	_____

Subscribed and sworn to before me this _____

day of _____, 20_____

_____

Notary Public, State of _____

My Commission Expires: _____

_____
(Contractor Signature)

To ensure DPW is in compliance with any federal procurement requirements regarding suspension and debarment, CONTRACTOR must sign this "Suspension/Debarment Certification Form".

Please complete and sign below and return this form to:

Department of Public Works Contract Office
Room **506**, Municipal Building
841 North Broadway
Milwaukee, WI 53202

Submittal required prior to start of work on this project.

CERTIFICATION REGARDING SUSPENSION AND DEBARMENT

The Contractor certifies that all potential sub-recipients, contractors, and any and all of their principals are not debarred, suspended or proposed for debarment for federal assistance (e.g., General Services Administration's List of Parties Excluded from Federal Procurement and Non-Procurement Programs), and that throughout the term of its federally-funded contracts with the City of Milwaukee, the Contractor will not enter into any transactions with any sub-recipients, contractors, or any of their principals who are debarred, suspended or proposed for debarment.

_____ _____
Signature/Authorized Official Date

_____ C_____
Printed Name Contract Number

_____
Title

_____
Name of Company

AFFIDAVIT OF COMPLIANCE
WITH WISCONSIN STATUTE 103.503
SUBSTANCE ABUSE PREVENTION REQUIREMENTS

STATE OF _____) PROJECT NAME _____
) ss.
_____ COUNTY) DPW Contract No._____

I, _____ , being first duly sworn state that:
(Print name)

1. I am the _____ of _____, a _____.
   (Title) (Company Name) (State)

   Corporation, partnership, or individual of _____, _____ ,
   (City, Village, Township) (State)
   and make this affidavit pursuant to the provisions of Wis. Stat. § 103.503.
2. I have entered into City of Milwaukee, Department of Public Works' Contract No. _____ , to which the provisions of Wis. Stat. 66.0903 apply.
3. I have in place a substance abuse prevention program that meets the requirements of Wis. Stat. 103.503, and I will fully comply in all respects with the requirements of Wis. Stat. 103.503 during the performance of this Contract.
4. I will include in each subcontract covering work performed under this Contract to which the provisions of Wis. Stat. 66.0903 apply, a provision similar to that in Paragraph 3 above, together with a clause requiring such insertion in further subcontracts that may in turn be made.

Title	Officer Name	Address
President	_____	_____
Vice President	_____	_____
Secretary/Treasurer	_____	_____

Subscribed and sworn before me this _____

day of _____ , 20_____ .

_____ _____
Notary Signature Contractor Signature

Notary Public, State of _____

My Commission Expires: _____

1121-2004-1516/96897

(REV. 04/03/07)

FORM F
(REV. 01/01/01)

PROPOSED RESIDENT / APPRENTICE UTILIZATION FORM

This is a preliminary statement of proposed workforce needs, where known.

Official Notice # _____ Project # _____ Contract # _____

Contractor _____

JOB CATEGORY	PROPOSED # OF HOURS ON THIS PROJECT	PROPOSED # OF HOURS FOR SPECIAL IMPACT AREA RESIDENTS	PROPOSED # OF HOURS FOR ALL OTHER WORKERS
TRUCK DRIVERS:		(%)	(%)
OPERATING ENGINEERS:			
JOURNEYMEN		(%)	(%)
APPRENTICES		(%)	(%)
SKILLED TRADES: (Specify)			
JOURNEYMEN		(%)	(%)
APPRENTICES		(%)	(%)
TRAINEES		(%)	(%)
LABORERS: (Specify type)			
		(%)	(%)
		(%)	(%)
		(%)	(%)
		(%)	(%)
		(%)	(%)

NAME and ADDRESS of Target Area Residents: _____ _____

NAME and ADDRESS of Apprentices: _____ _____

City of Milwaukee

Department of Public Works

Apprenticeship Provisions

I. General:

A. In accordance with Section 309-38 of the Milwaukee Code of Ordinances, apprenticeship requirements will be specified on all Department of Public Works construction contracts, where appropriate, which are in excess of $100,000. The ordinance requires that a contractor employ apprentices in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen as established by the Wisconsin Department of Industry, Labor, and Human Relations. Fair consideration must be given to minorities and women. For this contract, bidders are required to utilize one (1) apprentice, or equivalent, from the following trade:

Construction Craft Laborer

(See "Ratio of Apprentices to Journeymen".)

B. The contractor shall prepare and submit an accurate and timely Apprenticeship Utilization Form (Form F) and other reports to the Department of Public Works. The Apprenticeship Utilization Form shall be returned with the executed contract and shall specifically identify the apprentice(s) that will work on the project. The Contractor Time Report shall be submitted within ten (10) days following completion of work or every three (3) months, whichever comes first. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until all apprenticeship related reports are on file with the Department of Public Works.

C. During the performance of this contract the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, or if the contractor, prime or sub, submits any documents which contain any false, misleading, or fraudulent information, or if the contractor or subcontractor fail to comply with this ordinance, the Department of Public Works may take one or more of the actions listed below:

1. Withhold payments on the contract.

2. Terminate, suspend, or cancel the contract, in whole or in part.

3. After due process, consider debarment of the contractor from bidding for a two-year period.

4. Any other remedy available to the City at law or in equity.

II. Definitions:

A. Apprentice - a person, 16 years of age or over, who shall enter into a written contract of service where he or she is to receive from or through his or her employer in consideration for his or her services, in whole or in part, instruction in any trade, craft, or business. Apprenticeship agreements shall be governed by Ch. 106, Wis. Stats.

B. Construction - Means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings, or any other public works.

III. Apprenticeship Utilization Requirements:

A. The contractor shall utilize apprentices in a minimum amount equal to that stated in paragraph I-A above.

B. The contractor, by signing and submitting a bid, certifies that the contractor understands the provisions of Chapter 309 and knows of and intends to comply with them.

C. The contractor shall maintain personnel records listing the names and addresses of its employees utilized for this contract in meeting apprenticeship requirements. These records shall be maintained for three (3) years after the contractor has received final payment under the contract and shall be made available to the Commissioner of Public Works upon reasonable notice.

D. Compliance with these apprenticeship requirements is an element of bid responsiveness. Failure to meet the specified apprenticeship requirements will render the bid unresponsive, and the Commissioner of Public Works may then recommend award to the next apparent low bidder.

E. If the prime contractor has problems in meeting the apprenticeship requirements or if any other problems relative to apprenticeship participation arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.

NOTICE TO CONTRACTORS

PLEASE NOTE: Effective December 28, 2005, the City of Milwaukee adopted an ordinance relative to the disclosure of participation in or profits derived from slavery by contractors. All contractors awarded a contract on behalf of the City of Milwaukee, whether or not subject to a competitive bid, shall complete an affidavit prior to entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

The City shall make the information contained in the affidavit available to the public. Any contract between the City and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void. To reference Milwaukee Code of Ordinances 310-14, please see:

http://cctv25.milwaukee.gov/code/volume3/ch310.pdf

CITY OF MILWAUKEE - DEPARTMENT OF PUBLIC WORKS

AFFIDAVIT OF COMPLIANCE

DISCLOSURE OF PARTICIPATION IN OR PROFITS DERIVED FROM SLAVERY BY CONTRACTORS

COMPANY NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

This affidavit of compliance will be the contractor's sworn statement that publicly discloses any slavery policies sold by any companies, or profits from slavery by industries or their predecessors who are doing business with the City of Milwaukee as defined in the Milwaukee Code of Ordinances 310-14.

Please check one:

_____ This business **was not** in existence prior to 1865.

_____ This business **was** in existence prior to 1865. I have searched any and all records for records of investments or profits from slavery and have found no such records.

_____ This business **was** in existence prior to 1865. I have searched any and all records for records of investments or profits from slavery and am disclosing the findings on the attached pages.

I hereby declare that all statements are true, accurate and complete as of the date furnished to the City of Milwaukee.

AUTHORIZED SIGNATURE: _____

PRINTED NAME: _____

Subscribed to before me this _____ day of _____, 20___

NOTARY PUBLIC _____County, _____State _____

SIGNATURE: _____

PRINT NAME: _____ (Seal)

My commission expires: _____

Ref: slaverydisclosureaffidavit

SAFE DRINKING WATER LOAN PROGRAM

THE CITY OF MILWAUKEE HAS APPLIED FOR FUNDING FOR ALL PROJECTS IN THIS CONTRACT THROUGH THE SAFE DRINKING WATER LOAN PROGRAM (SDWLP) ADMINISTERED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.

DAVIS – BACON WAGE COMPLIANCE

THIS CONTRACT IS SUBJECT TO THE DAVIS-BACON COMPLIANCE PROVISIONS. PLEASE SEE CONTRACT DOCUMENTS FOR ADDITIONAL INFORMATION. THE CONTRACTOR SHALL USE THE HIGHER WAGE RATE TABLE BETWEEN THE PREVAILING WAGE RATE ISSUED BY THE STATE OF WISCONSIN AND THE DAVIS-BACON WAGE RATE TABLES AS ISSUED BY THE U.S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION. THE CONTRACTOR SHALL SUBMIT WEEKLY PAYROLL CERTIFICATION, UTILIZING THE PAYROLL FORM INCLUDED IN THE CONTRACT DOCUMENTS OR EQUIVALENT.

AMERICAN IRON AND STEEL REQUIREMENT (AIS)

ALL IRON AND STEEL PRODUCTS PROVIDED BY THE CONTRACTOR SHALL BE PRODUCED IN THE UNITED STATES AND COMPLY WITH THE AMERICAN IRON AND STEEL REQUIREMENT (AIS). CONTRACTOR TO PROVIDE AIS CERTIFICATION FOR ALL IRON AND STEEL PRODUCTS SUPPLIED FOR THIS CONTRACT.

NOTICE TO CONTRACTORS

Effective immediately, the City of Milwaukee has adopted an ordinance relative to Prompt Payment as follows:

2.9.16.b) It is the City's policy to pay all invoices within 30 days. If the City does not make payment within 45 days after receipt of properly completed supporting payment and other required contract documentation, the City shall pay simple interest beginning with the 31st calendar day at the rate of 1% per month (unless the amount due is subject to a good-faith dispute and, before the 45th day of receipt, notice of the dispute is sent to the contractor by first-class mail, personally delivered, or sent in accordance with the notice provisions in the contract). If there are subcontractors, consistent with s.66.0135(3), Wis. Stats., the prime contractor must pay the subcontractors for satisfactory work within seven (7) days of the contractor's receipt of payment from the City of Milwaukee, or seven (7) days from receipt of a properly submitted and approved invoice from the subcontractor, whichever is later. If the contractor fails to make timely payment to a subcontractor, the contractor shall pay interest at the rate of 12% per year, compounded monthly, beginning with the 8th calendar day. Reference Common Council File No. 101137 adopted January 2011.

5/11/2011

PAYMENT MONITORING REQUIREMENTS

All Contractors awarded a contract valued at $25,000.00 or more are required to participate in training on the City of Milwaukee's B2GNow contract compliance software. Contractors must complete the training no later than 30 days after the date of contract award. Throughout the contract term, Contractors are required to regularly provide timely payment information in the City's contract compliance software.

Please contact the Office of Small Business Development (OSBD) at 414-286-5553 should you have any questions or concerns regarding the training or *reporting process.*