

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0040-11-08 LGL 2011-0025
<b>TITLE: BIDDER RESPONSIBILITY</b> EFFECTIVE DATE: July 1, 2011 REVISION EFFECTIVE DATE: N/A	

## 1.0 GENERAL

1.1 The 2007 Washington State legislature defined the term "responsible bidder" for public works contracts by amending RCW 39.04.010 and creating a new section RCW 39.04.350. Most of the requirements existed prior to the enactment of RCW 39.04.350; however, the law requires that public owners, contractors and subcontractors as applicable verify the items prior to award of a public works contract. RCW 39.06.020 requires that public works contractors and subcontractors verify that any subcontractors they directly hire meet the responsibility criteria for the project at the time of subcontract execution. The amended RCW 39.04.010 and new RCW 39.04.350 authorize municipalities to develop optional supplemental bidder responsible criteria applicable to particular public works projects.

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## 2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City departments and divisions.

## 3.0 REFERENCES

RCW 39.04.350  
RCW 39.06.020  
Chapter 7.06 SMC, Article VIII

## 4.0 DEFINITIONS

- 4.1 "Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein.
- 4.2 "Responsible bidder" means a contractor who meets the criteria in SMC 7.06.130.

## 5.0 POLICY

- 5.1 Contractors for all public work projects to be performed by contract shall be reviewed for the mandatory bidder responsibility criteria in SMC 7.06.500.
- 5.2 It is the policy of the City of Spokane to use supplemental bidder responsibility criteria on publicly bid public works projects which will permit it to establish minimum qualifications for bidders that will secure, for the benefit of the City and its taxpayers, the performance of its public works by responsible contractors offering the lowest bid. The current public bid limit for single craft / trade public work projects is \$45,000. The current public bid limit for multiple craft / trade public work projects is \$90,000.
- 5.3 If any part of this policy is found to be in conflict with federal and/or state requirements which are a prescribed condition to the allocation of federal and/or state funds to the City, the conflicting part of this policy is declared to be inoperative solely to the extent of the conflict and with respect to the departments directly affected, and finding or determination shall not affect the operation of the remainder of this policy in its application to the departments concerned. This policy shall meet federal and state requirements which are necessary condition to the receipt of federal and state funds by the City.

## 6.0 PROCEDURE

- 6.1 Verification of Bidder Responsibility
  - 6.1.1 The Purchasing Section of the Accounting Department (or the Engineering Services Department for contracts advertised by that department) shall include the City's mandatory and supplemental bidder criteria requirements and a copy of the supplemental bidder responsibility criteria form in the bid specifications for public works projects.

- 6.1.2 The Purchasing Section (or the Engineering Services Department for contracts advertised by that department) shall promptly notify the apparent low bidder on public works projects that it needs to complete and return a signed copy of the supplemental bidder responsibility criteria form. Note: the mandatory bidder responsibility criteria information shall be provided as part of the bidder's bid proposal.
  - 6.1.3 The bidder shall have a minimum of twenty four (24) hours from the notification time to return the completed supplementary responsibility criteria form with any required documentation to the Purchasing Section (or Engineering Services Department, as appropriate).
  - 6.1.4 If the lowest bidder is subsequently disqualified, then the next lowest bidder shall submit evidence of compliance with the City's supplemental responsibility criteria.
  - 6.1.5 The Purchasing Section shall forward the returned forms and documentation to the department (other than the Engineering Services Department) that requested the bids for its review and approval.
  - 6.1.6 Departments shall review and approve (or disqualify) in writing the bidder's submittal to be considered a responsible bidder. Any disqualification shall be approved by the Office of the City Attorney before return to the Purchasing Section (or Engineering Services Department).
  - 6.1.7 No agendas for city council action on a bid may be submitted without prior verification of bidder responsibility.
- 6.2 Mandatory Bidder / Contractor Responsibility Criteria
- 6.2.1 Before contract award, the bidder shall meet certain mandatory bidder responsibility criteria under state law to be considered a responsible bidder.
  - 6.2.2 Contractor Registration Number.
    - a. Criterion.  
The bidder shall have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
    - b. Documentation.

Check whether the bidder's contractor's license is listed on the Washington State Labor and Industries Department (L & I) web site:

<http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/default.asp>.

Check that the status is "ACTIVE", the effective date is before the date of the bid opening; and the expiration date.

6.2.3 Washington Unified Business Identifier (UBI) number;

a. Criterion.

The bidder shall have a current unified business identifier (UBI) number before award of contract.

b. Documentation:

Check whether the bidder's UBI number is listed on the Washington State Department of Revenue web site:

<http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/>

6.2.4 Industrial insurance (workers' compensation) coverage for the bidder's employees working in Washington, as required in Title 51 RCW (if applicable).

a. Criterion.

The bidder shall have industrial insurance (workers' compensation) coverage for the its employees working in Washington, as required in Title 51 RCW (if applicable).

b. Documentation.

Check worker's compensation premiums (Industrial Insurance coverage) are being paid on the L & I web site.

<http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/default.asp>. The website should state that the "Account is current. Firm has voluntarily reported and paid its premiums". Note that some small firms may not have an account if they do not have the required minimum number of employees. For Idaho contractors: They can get workman's compensation through the State of Idaho Insurance Fund. Call (208) 334-6000 (Idaho Industrial Commission) to see if they are current and if they have "extraterritorial coverage" which is a sort of reciprocity agreement and means they don't need Washington workman's compensation coverage.

6.2.5 Washington employment security department number, as required in Title 50 RCW (if applicable).

- a. Criterion.  
The bidder shall have a Washington employment security department number (if applicable).
- b. Documentation.  
Information is not available on a website for verification. The available options to verify the number are to:
  - rely on the bidder's statement on the bid form; or
  - ask the bidder to submit documentation from the Washington State Employment Security Department; or
  - call the Employment Security Department (360-902-5226; press "O" on phone tree), give it the UBI number #, ask if the contractor is registered with employment security.

6.2.6 Washington State Department of Revenue state excise tax registration number, as required in Title 82 RCW (if applicable).

- a. Criterion.  
The bidder shall have a Washington Department of Revenue state excise tax registration number (if applicable).
- b. Documentation.  
Check the bidder's excise tax registration number is listed on the Washington State Department of Revenue web site.  
<http://dor.wa.gov/content/doingbusiness/registermybusiness/brd>. The account should state "OPEN". If it states "CLOSED", then the bidder does not have registration.

6.2.7 Not be disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3) or the federal excluded parties list.

Criterion.

The bidder shall not be listed on the Washington State Department of Labor and Industries website for prevailing wage violations or infractions (chapter 39.12 RCW), contractor registration law (chapter 18.27 RCW), or industrial insurance law (chapter 51.48 RCW).

For federal aid projects, the bidder shall not be disqualified under the federal excluded parties list.

Documentation.

Check the bidder's status with the Washington State Department of Labor and Industries website.

<http://www.Ini.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp>)

For federal aid projects check: <http://epls.arnet.gov/>. PRINT A COPY OF THE DOCUMENTATION AND INCLUDE IN CONTRACT FILE.

6.3 Supplemental Responsibility Criteria

The following supplemental bidder responsibility criteria describe the relevant experience, training, and/or certification requirements or qualifications that shall be met by the low bidder.

6.3.1 Work Experience and Company Reputation.

a. Company History.

- Criterion:  
Whether the bidder is a reputable person / company / legal entity in order to gainfully win public contract awards with the City of Spokane.
- Documentation:  
The bidder shall provide the following information related to the person's/company's/legal entity's history.
  - Company name
  - Address
  - Contact name and title
  - Contact phone
  - Contact e-mail
  - Years in business as a prime contractor
  - Years in business as a sub-contractor
  - Years in business under present name
  - Any former company number which the company, its owners, and/or its principals have operated in the past five years.
  - Reason for the name change(s) in the past five years.

b. Work Experience

Whether the bidder meets project specific criteria, including work experience, as added by each department based on the unique qualities of a particular public works project

c. Performance Evaluation

- Criterion:  
Whether under past or present names the bidder has received "deficient" or "inadequate" evaluations on two (2) or more contracts from the City or other municipalities or another governmental agency on a public works project within the last five (5) years.
- Documentation:  
The bidder shall provide a separate, signed /dated statement listing the projects and an explanation.

d. References

The City reserves the right to check references, whether identified by the bidder or not, on all bidders, including using itself as a reference in applicable situations.

### 6.3.2 Record of Debarment / Disqualification

a. Criterion:

Whether the bidder (including the primary contractor, or any firm with which any of the primary contractor's owners, officers, or partners was associated) has been debarred, disqualified, removed or has been otherwise prevented from bidding on, or completing any governmental agency or public works projects, including debarment by the federal, state or other municipal government during the last five (5) years.

b. Documentation:

- The bidder shall not be listed as a current debarred or suspended bidder on the U.S. General Services Administration's "Excluded Parties List System" (at the time of the passage of this section the web address was: <http://www.epls.gov/>).
- The bidder shall not be listed as a current suspended or debarred bidder list located at the City's purchasing division offices.
- The bidder shall provide a separate, signed / dated statement listing any debarments, disqualifications, removal, etc. from any governmental public works project.

### 6.3.3 Safety

- a. Criterion:  
In the last five (5) years, the bidder shall not have a history of willful or repeat violations of safety or health regulations by OSHA or other agencies responsible for safety oversight.
- b. Documentation:  
The bidder shall provide a separate signed / dated statement describing each willful or repeat violation from OSHA, or other agencies responsible for safety oversight, including information about the dates and nature of the violations, the project on which the citation(s) was or were issued and the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, the bidder shall provide the case number and the date of the decision.

#### 6.3.4 Environmental

- a. Criterion:  
In the last five (5) years, the bidder shall not have a history of serious citations from government environmental enforcement agencies on projects for which the bidder was the contractor.
- b. Documentation:  
The bidder shall provide a separate signed / dated statement describing each serious citation from governmental enforcement agencies, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued and the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, the bidder shall provide the case number and the date of the decision.

#### 6.3.5 Utilization Requirements

- a. Criterion:  
In the last five (5) years, it has been determined by a government agency that the bidder did not comply with disadvantaged business enterprises, apprenticeship or other similar utilization requirements on public works projects.
- b. Documentation:  
The bidder shall provide a separate signed / dated statement listing the violations or failures to meet utilization requirements along with a detailed explanation of the extenuating circumstances surrounding the violation and / or failure.



### 6.3.6 Discrimination

- a. **Criterion:**  
Whether the bidder has been found guilty of violating or failing to comply with discrimination laws.
- b. **Documentation:**  
The bidder shall provide a separate signed / dated statement identifying the type of violation, who was involved, the name of the public agency, year of the investigation, the resolution in court or administrative process, and the grounds for the findings if the bidder or any of its owners, officers, or partners have been found by a court or administrative process to have discriminated in contracting, employment, or in the provision of public services.

### 6.3.7 Prevailing Wages

- a. **Criterion.**  
Whether in the previous five (5) years, the bidder has a pattern of prevailing wage violations as determined by the applicable state or federal government agency monitoring prevailing and/ or Davis Bacon wage compliance unless there are extenuating circumstances acceptable to the City.
- b. **Documentation:**  
The bidder shall provide a separate signed / dated statement listing the prevailing wage violations as determined by the applicable state or federal governmental agency along with an explanation of each violation and how it was resolved. The City shall evaluate these explanations and the resolution of each violation to determine whether the violations demonstrate a pattern of failing to pay its workers prevailing wages.

### 6.3.8 Public Bidding Crime (Criminal Convictions)

- a. **Criterion:**  
Whether the bidder has been convicted of a crime involving bidding on a public works contract within the previous five (5) years.
- b. **Documentation:**  
The bidder shall provide a signed / dated statement listing the date of conviction, the offense convicted of, the

punishment, and a brief statement of the facts underlying the conviction.

#### 6.3.9 Claims Against Retainage and Bonds

- a. **Criterion:**  
Whether the bidder has a record of multiple claims filed against the retainage or payment bonds for public works projects during the previous three (3) years that demonstrate a lack of effective management by the bidder of making timely and appropriate payments to its subcontractors, suppliers and workers, unless there are extenuating circumstances acceptable to the City in its sole discretion.
- b. **Documentation:**  
The bidder shall submit a list of claims filed against the retainage and/or payment bond for any completed public works projects and include for each project a written explanation of the circumstances surrounding the claim and the ultimate resolution of the claim.

#### 6.3.10 Termination for Cause

- a. **Criterion:**  
Whether the bidder has had any public works contract terminated for cause by a government agency during the previous five (5) years unless there are extenuating circumstances acceptable to the City in its sole discretion.
- b. **Documentation:**  
The bidder shall provide a separate signed / dated statement listing each contract terminated, the government agency terminating the contract, and the circumstances involving the termination for cause.

#### 6.3.11 Litigation

- a. **Criterion:**  
Whether the bidder has lawsuits (or arbitrations for those instances where arbitration is completed in lieu of a lawsuit) with judgments entered against the bidder within the previous five (5) years that demonstrate a pattern of failing to meet the terms of contracts, unless there are extenuating circumstances acceptable to the City in its sole discretion.

- b. Documentation:  
The bidder shall submit a list of lawsuits and/or arbitrations with judgments entered against it along with a written explanation of the circumstances surrounding each lawsuit and/or arbitration. The City shall evaluate these explanations to determine whether the lawsuits and/or arbitrations demonstrate a pattern of failing to meet terms of contracts.

#### 6.3.12 Delinquent State Taxes

- a. Criterion:  
Whether the bidder owes delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue before the date of award.
- b. Documentation:  
The bidder shall not be listed on the Washington State Department of Revenue's "Delinquent Taxpayer List." The department's web address is:  
<http://dor.wa.gov/content/fileandpaytaxes/latefiling/dtlwest.aspx>.

#### 6.3.13 Subcontractor Responsibility.

- a. Criterion:  
The bidder's standard subcontract form shall include the subcontractor language required by RCW 39.06.020, and the bidder shall have an established procedure which it utilizes to validate the responsibility of each of its subcontractors. The bidder's subcontract form shall also include a requirement that each of its subcontractors shall have and document a similar procedure to determine whether the sub-tier subcontractors with whom it contracts are also "responsible" subcontractors as defined by RCW 39.06.020.
- b. Documentation:  
The bidder shall provide a copy of its standard subcontract form and a copy of the procedure used to validate the responsibility of its subcontractors.

### 6.4 Determinations

- 6.4.1 Departmental determinations of responsibility or non-responsibility of a bidder due to the supplemental criteria shall be based on a

review of all the supplemental criteria factors as a whole with no single item by itself being determinative.

6.4.2 Staff may, but is not required to, conduct independent investigations to verify whether or not the bidder has submitted correct information.

6.4.3 If a department determines the low bidder does not meet either the mandatory bidder criteria or the supplemental bidder criteria as outlined and is therefore not a responsible bidder, department staff shall obtain the concurrence of the Office of the City Attorney. The Purchasing Section (or Engineering Services Department, as appropriate) shall notify the bidder in writing with the reasons for the determination.

6.4.4 If the bidder disagrees with the City's determination, the bidder will have a minimum of three (3) business days from receiving the determination to submit additional written information to the City. The City will consider any timely submitted additional information received from the bidder before issuing its subsequent determination. If the bidder disagrees with the City's determination, it may appeal that determination to the Mayor or designee in writing within (2) two business days of receiving the City's determination.

## 7.0 RESPONSIBILITIES

The Accounting Department and Engineering Services Department shall administer this policy.

## 8.0 APPENDICES

Mandatory Bidder Responsibility Checklist  
Supplemental Bidder Responsibility Criteria Form

APPROVED BY:

  
\_\_\_\_\_  
City Attorney (Asst)

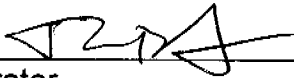
6-15-11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Director - Accounting

6-17-11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Director – Engineering Services

6-22-11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Administrator

6-24-11  
\_\_\_\_\_  
Date



## City of Spokane Mandatory Bidder Responsibility Checklist

The following checklist may be used by City staff in documenting that a Bidder meets the mandatory bidder responsibility criteria. It is suggested that departments print a copy of documentation from the appropriate website to include with this checklist in the contract file.

<b>General Information</b>	
Project Name:	Project Number:
Bidder's Business Name:	Bid Submittal Deadline:
<b>Contractor Registration – <a href="https://fortress.wa.gov/lni/bbip/">https://fortress.wa.gov/lni/bbip/</a></b>	
License Number:	Active Status: Yes <input type="checkbox"/> No <input type="checkbox"/>
Effective Date (must be effective on or before Bid Submittal Deadline):	Expiration Date:
<b>Current UBI Number – <a href="http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/">http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/</a></b>	
UBI Number:	Account Status: Open <input type="checkbox"/> Closed <input type="checkbox"/>
<b>Industrial Insurance Coverage – <a href="https://fortress.wa.gov/lni/crpsi/MainMenu.aspx">https://fortress.wa.gov/lni/crpsi/MainMenu.aspx</a></b>	
Account Number:	Account Status: Current: Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Employment Security Department Number –</b>	
Employment Security Department Number:	
<ul style="list-style-type: none"> <li>• Has Bidder provided account number on the Bid Form? Yes <input type="checkbox"/> No <input type="checkbox"/></li> <li>• And/or have you asked the Bidder for documentation from Employment Security Department on account number? Yes <input type="checkbox"/> No <input type="checkbox"/></li> </ul>	
<b>State Excise Tax Registration Number – <a href="http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/">http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/</a></b>	
Tax Registration Number:	Account Status: Open <input type="checkbox"/> Closed <input type="checkbox"/>
<b>Not Disqualified from Bidding – <a href="http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp">http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp</a> AND <a href="http://epls.arnet.gov/">http://epls.arnet.gov/</a></b>	
Is the Bidder listed on the "Contractors Not Allowed to Bid" list of the Department of Labor and Industries? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If federal funds, is the Bidder listed on the Excluded Parties List? Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Checked by:</b>	
Name of Employee:	Date:



# City of Spokane, Washington

## Supplemental Bidder Responsibility Criteria

<p>After bid opening and prior to award, the apparent low bidder shall complete, sign and submit this form with attachments to the City (See instructions at the end of this form). The form shall be submitted within twenty four (24) hours after the notification, unless a different time and date is required by the specifications or otherwise mutually agreed upon.</p>	
<p>Project Name:</p>	
	<p>Project #</p>
<b>Part A: General Company Information</b>	
Company Name	
Address	
Contact Name and Title	
Contact Phone	Contact E-mail
Years in business as a Prime Contractor	Years in business as a sub-contractor
Years in business under present Name	
List any former company names under which the company, its owners, and/or its principals has operated in the past five (5) years	
Explain reason for name change(s) in the past five (5) years	
<b>Part B: Work Experience</b>	
<p>If the request for bids has project specific criteria, including work experience, list at least the requested number of construction projects completed within the required time frame on the attached Project Experience form which are similar in type, size and scope of work required for this project</p>	
<b>Part C: Performance Evaluation</b>	
<p>Under past or present names does the bidder have a history of receiving "deficient" or "inadequate" evaluations on two (2) or more contracts from the City or other municipalities or another governmental agency on a public works project within the last five (5) years?</p>	
<p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	
<p>If "Yes" attach a separate, signed / dated statement listing the projects and an explanation.</p>	
<b>Part D: Record of Debarment / Disqualification</b>	
<p>Has the bidder (including the primary contractor, any firm with which any of the primary contractor's owners, officers, or partners was associated) been debarred, disqualified, removed or has been otherwise prevented from bidding on, or completing any governmental agency or public works projects, including debarment by the federal, state or other municipal government during the last five (5) years?</p>	
<p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	
<p>If "Yes", attach a separate signed / dated statement listing any debarments, disqualifications, removal, etc. from any governmental public works project and the basis for the action.</p>	

<b>Part E: Safety</b>
In the last five (5) years, has the bidder received willful or repeat violations of safety or health regulations by the OSHA or other agencies responsible for safety oversight?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," attach a separate signed /dated statement describing each willful or repeat violation, including information about the dates and nature of the violations, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.
<b>Part F: Environmental</b>
In the last five (5) years, has the bidder received serious citations from government environmental enforcement agencies on projects for which the bidder was the contractor?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," attach a separate signed / dated statement describing each serious citation, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.
<b>Part G. Utilization Requirements</b>
In the last five (5) years, has it been determined by a government agency that the bidder did not comply with disadvantaged business enterprises, apprenticeship or other similar utilization requirements on public works projects?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", attach a separate signed / dated statement listing the violations or failures to meet utilization requirements along with a detailed explanation of the extenuating circumstances surrounding the violation and/or failure.
<b>Part H: Discrimination</b>
Has the bidder or any of its owners, officers or partners been found guilty of violating or failing to comply with discrimination laws in contracting, employment or provision of public services?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", attach a separate signed / dated statement identifying the type of violation, who was involved, the name of the public agency, year of the investigation, the resolution in court or administrative process, and the grounds for the findings.
<b>Part I. Prevailing Wage</b>
In the last five (5) years, has the bidder received prevailing wage violations as determined by the applicable state or federal government agency monitoring prevailing and/or Davis Bacon wage compliance?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes," attach a separate signed/dated statement listing the prevailing wage violations, along with an explanation of each violation and how it was resolved. The City shall evaluate these explanations and the resolution of each violation to determine whether the violations demonstrate a pattern of failure to pay prevailing wages to workers unless there are extenuating circumstances acceptable to the City.



<b>Part J: Public Bidding Crime (Criminal Convictions)</b>
Has the bidder been convicted of a crime involving bidding on a public works contract within the last five (5) years?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", attach a separate signed / dated statement listing the dates of conviction(s), the offense(s) convicted of, the punishment, and a brief statement of the facts underlying the conviction(s)
<b>Part K. Claims Against Retainage and Bonds</b>
Does the bidder have a record of multiple claims filed against the retainage or payment bonds for public works projects during the previous three (3) years?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes"; attach a separate signed / dated statement listing the claims filed against the retainage and/or payment bond for any completed public works projects and include for each project a written explanation of the circumstances surrounding the claim and the ultimate resolution of the claim. The City shall evaluate the statement to determine if it demonstrates a lack of effective management by the bidder of making timely and appropriate payments, unless there are extenuating circumstances acceptable to the City in its sole discretion.
<b>Part L. Termination for Cause</b>
Has the bidder had any public works contract terminated for cause by any government agency during the previous five (5) years?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", attach a separate signed / dated statement listing each contract terminated, the government agency terminating the contract and the circumstances involving the termination for cause. The City will determine if there are extenuating circumstances acceptable to the City in its sole discretion.
<b>Part M: Litigation</b>
Has the bidder been involved in lawsuits (or arbitrations for those instances where arbitration is completed in lieu of a lawsuit) with judgments entered against the bidder for failure to meet terms on contracts in the previous five (5) years?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", attach a list of lawsuits and/or arbitrations with judgments / arbitration awards entered against the bidder along with a written explanation of the circumstances surrounding each lawsuit and/or arbitration. The City will evaluate the explanations to determine whether the lawsuits and/or arbitrations demonstrate a pattern of failing to meeting terms of conditions of contracts, unless there are extenuating circumstances acceptable to the City in its sole discretion.
<b>Part N: Delinquent State Taxes</b>
Does the bidder owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department before the date of contract award?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", attach a separate signed / dated statement describing the circumstances and stating that the bidder is not on the Washington State Department of Revenue's "Delinquent Taxpayer List".

**Part O: Subcontractor Responsibility**

Does the bidder's standard subcontract form include the subcontractor language required by RCW 39.06.020? Does the bidder have an established procedure which it uses to validate the responsibility of each of its subcontractor? Does the subcontract form require that each of the bidder's subcontractors have and document a similar procedure for sub-tier subcontractors?

Yes       No

If "Yes" or "No", provide a copy of its standard subcontract form and a copy of the procedures used to validate the responsibility of subcontractors.

**Signature**

The undersigned certifies that the information and data contained herein is correct and complete. Failure to disclose information or submitting false or misleading information may result in rejection of my bid, revocation of award, contract termination, or may impact my firm's ability to bid on future projects by the City of Spokane.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Title

## Instructions for the Supplemental Bidder Responsibility Form

<p>After bid opening and prior to award, the apparent low bidder shall complete, sign and submit this form with attached documentation to the City of Spokane Engineering Services Department by one of the methods listed below within twenty four (24) hours of notification.</p>	
<p>The City's evaluation may include further investigations to establish the responsibility, qualifications, financial resources and experience of a bidder to complete the work of this contract. The City may contact previous owners or others to validate the information provided by the bidder. The City will assess the information provided and other information gathered in determining whether a bidder is responsible. List all information you feel is relevant to the City making an informed decision. The City reserves the right to request additional information from the bidder.</p>	
<p>For criteria with check boxes, the bidder will check either "Yes" or "No." For each "Yes" answer on the form, the Bidder shall provide a signed and dated statement providing the project information requested and explaining the extenuating circumstances.</p>	
<p><b>Form Submittal:</b></p>	
<p>Submit this form to Engineering Services Department of the City of Spokane by one of the following methods within twenty four (24) hours after the time of notification (unless the specifications provide a different time or date)</p>	
Email (preferable)	<p>sdecker@spokanecity.org with the Email Subject line: Supplemental Bidder Form for [Project Title]</p>
Fax to:	<p>(509) 625 -6349 Supplemental Bidder Form for [Project Title]</p>
Street Address	<p>Engineering Services 808 West Spokane Falls Boulevard, 2nd Floor, Spokane, WA 99201 Attention: Project Engineer Supplemental Bidder Form for [Project Title]</p>
<p>Questions: Please call (509) 625-6700</p>	

## Instructions for the Supplemental Bidder Responsibility Form

<p>After bid opening and prior to award, the apparent low bidder shall complete, sign and submit this form with attached documentation to the City of Spokane Purchasing Section by one of the methods listed below within twenty four (24) hours of notification.</p>	
<p>The City's evaluation may include further investigations to establish the responsibility, qualifications, financial resources and experience of a bidder to complete the work of this contract. The City may contact previous owners or others to validate the information provided by the bidder. The City will assess the information provided and other information gathered in determining whether a bidder is responsible. List all information you feel is relevant to the City making an informed decision. The City reserves the right to request additional information from the bidder.</p>	
<p>For criteria with check boxes, the bidder will check either "Yes" or "No." For each "Yes" answer on the form, the Bidder shall provide a signed and dated statement providing the project information requested and explaining the extenuating circumstances.</p>	
<p><b>Form Submittal:</b></p>	
<p>Submit this form to Purchasing Section of the City of Spokane Accounting Department by one of the following methods within twenty four (24) hours after the time of notification (unless the specifications provide a different time or date)</p>	
Email (preferable)	<p><a href="mailto:purchasinghelp@spokanecity.org">purchasinghelp@spokanecity.org</a> with the Email Subject line: Supplemental Bidder Form for [Project Title]</p>
Fax to:	<p>(509) 625 -6413 Supplemental Bidder Form for [Project Title]</p>
Street Address	<p>Purchasing Section 808 West Spokane Falls Boulevard, 4<sup>th</sup> Floor, Spokane, WA 99201 Attention: Thea Bremer / Connie Wahl Supplemental Bidder Form for [Project Title]</p>
<p>Questions: Please call (509) 625-6400</p>	

Attachment to Supplemental Bidder Responsibility Criteria

**Work Experience Form**

Please complete one form per project and include the minimum number of projects (and forms) as requested. You may include any additional work experience you deem relevant in determining bidder responsibility. Please be sure to provide a thorough description of the work in order to demonstrate how your firm meets any required experience detailed in the specifications. You may attach additional documentation if needed.

**PROJECT DETAIL**

Bidder's Company Name		Bidders Contact Name & Phone Number	
Project Name		Project Contract Number	
Project Owner		Project Location	
Project Owner Contact Name & Title		Owner's Telephone Number	
Notice to Proceed Date	Final Completion Date	Awarded Contract Value	Final Contract Price
Prime Contractor Name (If Not Bidder)		Contractor Contact Name & Phone Number (If Not Bidder)	
Brief Project Description			
Brief Summary Of Technical Work Completed By Bidder, Including Any Relevant Details To Demonstrate Similar Experience And Any Required Experience Detailed In the Specifications			