

PUBLIC BUILDING COMMISSION OF CHICAGO



**STATEMENT OF QUALIFICATIONS AND FINANCIAL CONDITION
PRE-QUALIFICATION FOR GENERAL CONTRACTORS:**

**BACK OF THE YARDS HIGH SCHOOL SITE PREPARATION
2111 W. 47th Street**

Submittal Due Date: Tuesday, September 7, 2010 by 4:00PM CST

Respondent Firm Name: _____

Contact Name: _____

Contact Telephone: _____

Contact Email: _____

This pre-qualification process is unique to the projects described herein and notwithstanding any other pre-qualification by the Public Building Commission, only contractors determined to have satisfied the criteria established by this Pre-Qualification will be eligible to bid.

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KEY INFORMATION ABOUT THE PRE-QUALIFICATION PROCESS

1. **RESPONDENT CONTACT WITH THE PBC:** The PBC has identified the Contract Officer identified below as the *sole point of contact* regarding this Pre-Qualification. From the date of issuance until selection of the successful Contractor, Respondents communication with the PBC concerning this Pre-Qualification must be exclusively with:

Janice Meeks, Senior Contract Officer
Public Building Commission of Chicago
50 West Washington, Room 200
Chicago, Illinois 60602
Fax (312) 744-3572
janicemeeks@cityofchicago.org

3. **SUBMISSION DEADLINE AND PROCUREMENT TIMETABLE:** The following dates are set forth for informational and planning purposes; however, the PBC reserves the right to change the dates.

- Issue SOQFriday, August 20, 2010
- Due Date and Time for Submissions**Tuesday, September 7, 2010 by 4:00 PM** Local Time

Any addenda that are issued will only be posted on the Commission's website at: www.pbcchicago.com. The Respondent must acknowledge any addenda in a transmittal letter.

4. **NUMBER OF COPIES:**

Submit **1 signed original copy**

Submit **4 copies**

Plus (1) additional copy unbound

and **1 compact disk (CD) of the electronic (PDF) copy of the** of the submittal in a sealed envelope or container.

5. **SUBMIT STATEMENT OF QUALIFICATIONS TO:**

Janice Meeks, Senior Contract Officer
Public Building Commission
50 West Washington Street, Room 200
Chicago, Illinois 60602

6. **RIGHT TO CANCEL:** The PBC reserves the right to cancel this procurement process whenever the best interest of the PBC is served. The PBC shall not be liable for costs incurred by Contractors associated with this procurement process.

7.  **CURRENT DOCUMENTS ON FILE WITH THE PBC:**

Respondent must submit the following documents, only if current versions of the following documents are not on file with the Commission.

RESPONDENT attest that the following documents, indicated below are on file with the Commission, and therefore will not be provided with its submission:

Financial Statement

Disclosure Affidavit

EVALUATION OVERVIEW

I. GENERAL CONSTRUCTION WORK FOR BACK OF THE YARDS HIGH SCHOOL SITE PREPARATION Project.

The Public Building Commission ("PBC") is soliciting qualifications from General Contractors (including firms proposing to have a controlling interest in Joint Ventures) for the execution of Back of the Yards site preparation project.

II. EVALUATION PROCESS

The PBC representatives will review the submitted Statements of Qualifications in accordance with the evaluation criteria set forth herein. PBC representatives may request additional documentation and may request to meet with Respondent to verify qualifications and capability and capacity to successfully perform as general contractor for the subject projects. After evaluating all relevant information, PBC representatives will determine which Respondents are eligible for pre-qualification. The Executive Director will identify eligible firms in a report to the PBC Board of Commissioners. Once approved, Respondents will be notified.

The PBC reserves the right to reject any and all Statements of Qualifications and to waive any informality in the submittals whenever it determines such rejection or waiver is in its best interest.

The PBC reserves the right to cancel this pre-qualification process whenever the best interest of the PBC is served. The PBC shall not be liable for costs incurred by Respondents associated with this procurement process.

III. PRE-QUALIFICATION OF JOINT VENTURES

A. Minority-owned and Women-owned Business (MBE/WBE) Participation

It is the PBC's policy to provide for maximum contracting opportunities for MBE/WBEs on all PBC projects and MBE/WBEs are encouraged to apply to be pre-qualified to bid as a General Contractor.

The PBC also strongly encourages the participation of MBEs and WBEs as joint venture general contractors. Therefore, the PBC permits contractors who are pre-qualified through this process to bid as joint ventures with MBE/WBE contractors. The joint venture can be established after the pre-qualification process is concluded (but before the bid is due). The MBE/WBE joint venture partner does *not* need to be pre-qualified; however the firm with controlling interest in the joint venture must be pre-qualified.

Joint ventures of MBE/WBE contractors and non-MBE/WBE contractors are also invited to apply directly for pre-qualification.

B. Evaluating Joint Venture Qualification

Joint ventures of contractors with appropriate qualifications, financial capacity and combined construction experience and capacity are eligible to be considered for this pre-qualification. Joint ventures applying for pre-qualification must complete and submit separate Sections A., B., C., and D. for *each* joint venture partner. A completed Section E. Disclosure Affidavit must also be submitted for the joint venture entity; and Respondent must submit a copy of the entity's joint venture agreement which clearly identifies the resources, capabilities and capacity of each joint venture firm available to be allocated to the performance of the selected Project.

IV. EVALUATION CRITERIA

The PBC shall review and evaluate the Statements of Qualifications of each Respondent in accordance with the following criteria:

A. Technical Competence and Specific Past Performance

Eligible Respondents must possess verifiable experience and demonstrate successful past performance projects performing site preparation work and environmental remediation of similar complexity, size and type with construction costs equal to or greater than \$5,000,000.00 on which you performed as a General Contractor. Describe all comparable projects completed in the last (5) years. References for the firm, superintendent and project manager will be required for each project.

B. Qualifications and Relevant Experience of Management Staff

Eligible respondents must employ and have available appropriately qualified and experienced personnel (Project Manger, Superintendents, Scheduler, Quality Control Manager, and Safety Manager) as needed to provide required management services on these projects.

C. Minority and Women Owned Business Participation

Eligible respondents must have a positive history of achieving M/WBE participation commitments on previous projects.

D. Equal Employment Opportunity and City of Chicago Residency Participation

Eligible respondents must have a positive history of achieving commitments made to employ minority, female and Chicago resident labor on previous projects.

E. Safety Program

Eligible respondents must demonstrate the quality of their overall safety program as evidenced by their history of citations, OSHA incident rate and Experience Modification Rate (EMR). If rating is greater than 1.0 please attach the NCCI rating information for the current year and each of the past four years and a written explanation.

F. Legal History

Eligible respondents must demonstrate a performance history without an indication of recurring defaults or terminations on projects, failures to complete projects on schedule, litigation history, including judgments and outstanding lawsuits, and violation of laws relevant to the evaluation of this criterion.

G. Financial Capacity, Bonding Capacity and Licensing

Eligible respondents must have demonstrated financial resources, bonding capacity and licenses necessary to successfully complete the project work.

V. SUBMITTAL REQUIREMENTS

Format: Submit 1 signed original, 4 copies, plus 1 additional copy unbound and 1 copy on compact disk (CD) in a sealed envelope or container.

A. Technical Competence and Past Performance

Complete Experience and Qualifications, Comparable Experience and Past Performance for each project offered by Respondent; refer to Section B. part II. Respondents may provide a separate narrative of not more than 2 pages describing their experience and qualifications.

B. Safety

Complete Section B. Part II **Safety** and provide copies of 1) the table of contents of the Respondent's Company Safety Program and 2) A photocopy of the applicant's Experience Modification Rate Factors (EMRF) from the National Council on Compensation Insurance (NCCI; www.ncci.com), **for the current year and each of the past four years**. Your insurance carrier may provide this information on their letterhead.

C. Minority and Women Owned Business Participation

Respondent may supplement the information provided in response to IV. C. above with a narrative or summary report describing its history and commitment to MBE/WBE participation.

D. Equal Employment Opportunity and City of Chicago Residency Participation

Respondent may supplement the information provided in response to IV. D. above with a narrative or summary report describing its history and commitment to providing employment opportunities for minorities, women and local residents.

E. Financial Capacity

Complete Part IV Financial Capacity and provide the firm's most current year audited financial statement (only if current document is not on file with the Commission). All potential claims must be listed as liabilities. If submitted as Joint Venture all potential claims for either liable party must be listed as liabilities.

F. Disclosure Affidavit

Respondent is required to provide with its submittal the Disclosure Affidavit form (only if current document is not on file with the Commission). Refer to Section E.

G. Qualifications and Relevant Experience of Management Staff

Identify Respondent's qualified and experienced personnel (Project Manager, Superintendents, Scheduler, Quality Control Manager, and Safety Manager) needed to provide required management services on the projects. Submit resumes or other evidence of qualifications and experience.

H. Legal History

Complete Section C, page 22, Legal Actions.

I. Bonding Capacity and Licensing

Complete Section A, page 8, General Information.

J. Narrative or Continuation Sheet

If there is not sufficient space on the application to answer a question, attach a continuation or narrative sheet of not more than 2 pages, which clearly identifies the project and or question for which the information is provided. This should not be done for each and every question. Note in the appropriate answer space on the application that information is being provided on an attachment. Clearly label the attachments in an indexed fashion and make sure your firm's name is on all attachments.

SECTION A: GENERAL INFORMATION

I. LICENSING

Is your firm licensed to do business in the City of Chicago, Cook County, Illinois? Yes No

If yes, **ATTACH** a copy of your City of Chicago Business License.

Provide a copy of your firm's General Contractor's license indicating the Category Class for which your firm is licensed to do general construction work.

List categories in which the firm or venture is licensed to do business and indicate registration or license numbers, if applicable. Please indicate which government entity issued the license. **ATTACH a copy of each license listed.**

Category	Registered License (or license number)	Organization Issuing License	Expiration Date
_____	_____	_____	_____
_____	_____	_____	_____

II. SURETY BONDING

Provide the current level of performance bonding (in dollar amount) authorized by the surety as of the date of this Qualification Submittal (or as of the date last bonded, including said date):

Single Limit: \$ _____ **Maximum Limit:** \$ _____ **A.M. Best Rating:** _____

Total Bonding Capacity: \$ _____ **as of:** _____

During the past five years, have any demands been placed on a bid bond, payment bond, or performance bond of the applicant?
 Yes No If the answer is "yes," **ATTACH** a statement listing and describing the date, location, project, and dollar amount of each demand, and explaining the circumstances.

Provide information regarding the surety that will provide the Payment and Performance Bond for project(s) to be awarded by or on behalf of the PBC.

Name of Surety: _____

Street Address: _____

City, State, Zip: _____

Telephone No: (____) _____ Fax No: (____) _____

III. MBE/WBE CERTIFICATIONS

Is your organization currently certified as a MBE or WBE with any of the following agencies or organizations?

* If yes, please check and **ATTACH copy of current Letter of Certification.**

✓ **Check the appropriate box(es)**

- City of Chicago
- Cook County
- Metropolitan Water Reclamation District
- Chicago Minority Business Development Council (MBE only)
- State of Illinois – Central Management Services
- Women's Business Development Center (WBE only)

SECTION B: EXPERIENCE AND QUALIFICATIONS

I. TECHNICAL COMPETENCE AND PAST PERFORMANCE

LIST ALL PROJECTS COMPLETED IN THE LAST 5 YEARS COMPARABLE TO THE BACK OF THE YARDS HIGH SCHOOL SITE PREPARATION AS DESCRIBED BELOW.

**BACK OF THE YARDS HIGH SCHOOL SITE PREPARATION, 2111 W. 47th Street
PROJECT SCOPE DESCRIPTION**

An 8.5 acre site. Project scope will include; but not be limited to, soil remediation including, removal, disposal, and management of various waste streams; removal, disposal, management of underground storage tank; excavation, removal and disposal of buried structures; removal, disposal and management of soil contaminated with Polychlorinated biphenyls (PCB) PNAs, benzene, and heavy metals; site dewatering, securing stormwater and groundwater discharge permits from City of Chicago and MWRDGC; and complying with all applicable City ,County, State and Federal regulations.

PROJECT NAME	COMPLETION DATE	CONTRACT VALUE
1. _____	_____	\$ _____
2. _____	_____	\$ _____
3. _____	_____	\$ _____
4. _____	_____	\$ _____
5. _____	_____	\$ _____
6. _____	_____	\$ _____

II. TECHNICAL COMPETENCE AND PAST PERFORMANCE (Duplicate form as necessary.)

BACK OF THE YARDS HIGH SCHOOL SITE PREPARATION, 2111 W. 47th Street

Describe your experience and past performance performing site preparation work and environmental remediation of similar complexity, size and type with construction costs equal to or greater than \$5,000,000.00 on which you performed as a General Contractor. Describe all comparable projects completed in the last (5) years. References for the firm, superintendent and project manager will be required for each project. Describe how the projects you listed above are comparable in scope and complexity to the Back of The Yards HS Site Preparation project described in this pre-qualification. Make copies, complete and submit for each project offered by Respondent to demonstrate experience on comparable projects.

Name / Location of Project: _____

Project Duration (Month/Year): Start: _____ Finish: _____

Total new construction square footage: _____

Describe project site preparation work: _____

Describe project environmental remediation: _____

Did project receive LEED certification? No Yes Level: _____

Was Project Completed on Schedule? Yes No *If No, explain below or attach explanation.*

Final Dollar Value of General Contract *: \$ _____

Describe Project scope: _____

Was Project Completed on Budget? Yes No *If No, explain below or attach explanation.*

** If Respondent was not the General Contractor, attach description of Respondent's role on the Project and relevance of that experience to this SOQ.*

Owner Reference(s):

Name: _____

Project Role † : _____

† E.g., Owner or Owner's Designer, Engineer, Program Manager, Construction Manager

Phone Numbers / email: _____

Alternate Reference(s): _____

Respondent's Project Manager: _____

Did Respondent Self Perform the Work? Yes No. *If No, identify subcontractor(s):*

Subcontractor(s): _____

Scope(s) and \$ Values of Subcontracted Work: _____

MBE/WBE: Did the Project include goals or Contractor commitments for the participation of minority-owned and/or women-owned businesses? Yes No. *If Yes, describe the goals/commitments and explain how and to what extent they were met:*

Employment Opportunity: Did the Project include goals for the employment of minorities, women and/or local residents in the construction of the project? Yes No. *If Yes, describe the goals/commitments and explain how and to what extent were they met:* _____

Explanations and other relevant features of referenced project _____

III. SAFETY

PBC is committed to working with safe general contractors. To that end, the PBC has developed a safety questionnaire to aid in selection of general contractors with good safety records. As a part of the general contractor solicitation process you must answer the questions below.

1. Does your organization have a safety program? Yes No

If yes, provide the following information:

Month and Year first implemented _____

Method of review of program _____

Whether regular work site safety meetings are held and how frequently _____

Copy of table of contents of safety/loss control manual

2. Have any citations been issued to your organization during the period of the last three years for workplace safety law violation. Yes No. If yes, provide detailed information for each occurrence regarding:

The nature of the violation for which your organization was cited. _____

Summary of your position of the matter. _____

Official resolution of violation _____

3. Provide your organization's OSHA reportable incident rate: _____. If this is greater than 3.0, please attach your OSHA Form 300A Summaries for the last three years and a written explanation to the qualification questionnaire (attach as necessary).

Provide a copy of your organization's NCCI current experience modification (EMR) rating worksheet. If the rating is greater than 1.0 please attach the NCCI rating information for the last 3 years and a written explanation to the qualification questionnaire. As a follow up, you may be asked to provide your written safety plan.

END OF SECTION B.

SECTION C: LEGAL ACTIONS

I. Legal Actions

Provide the information below. If the answer to any of the questions is "Yes", provide a brief description or explanation on a separate sheet.

Question	Yes	No
1. Has the firm or venture been issued a notice of default on any contract awarded in the last three years?		
2. Does the firm or venture have any judgments, claims (liquidated damages, or other), arbitration proceedings or suits pending or outstanding against the firm or venture or its officers? If yes, include the dollar amount of claims or judgments and the contract value of the contract on which the claim was filed. Attach explanation.		
3. Within the past three years, has the firm or venture been a party to any lawsuits or arbitration proceedings with regard to any contracts?		
4. Within the last three years, has any officer or principal of the firm or venture ever been an officer or principal of another organization that failed to complete any contract as a result of termination, litigation, arbitration or similar matter?		
5. Has any key person with the firm or venture or its predecessor ever been convicted of or charged with any state or federal crime (excluding traffic violations), including but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receipt of stolen property, criminal anti-trust violations, bid rigging or bid-rotating?		
6. Has the firm or venture ever been temporarily or permanently debarred from a contract awarded by any federal, state, or local agency?		
7. Within the last three years, has the firm or venture been assessed penalties for any statutory or administrative violations, including MBE, WBE and EEO?		
8. Has the firm or venture ever failed to complete any work awarded to it?		

SECTION D: FINANCIAL CAPACITY

I. Banking. Provide the following information about the firm's or ventures primary commercial bank.

Name of Bank: _____

Address: _____ Phone No.: _____

City, State, ZIP _____ Fax No.: _____

Contact Officer: _____ Phone No.: _____

In what year was the banking relationship established? _____

Does your firm or venture have access to a line of credit? **Yes** **No**

If yes, indicate upper limit. \$ _____ How much is currently available? \$ _____

Other sources of capital: _____

II. Gross Revenues. Indicate below the amount of revenues earned by the firm or venture from construction-related activities for the last three (3) years.

Year	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

III. Financial Statement. Attach Respondent's audited financial statement with notes for the last fiscal year. If a joint venture, submit financial statements for the joint venture name and each joint venture partner. Independent accountant may provide a copy of a complete financial statement. All notes and schedules must be provided.

Independent Accountant Information (Contact Name): _____

Telephone (____) _____

Year ending financial statement date: ____/____/____ [

SELECT ONE: **Audit** **Review** **Compile**

Consolidated financial statement: **Yes** **No**

SECTION E: DISCLOSURE AFFIDAVIT

Part A. History and Ownership of Respondent Firm

Name of Firm: _____ Phone No. (____) _____

Address: _____ Fax No. (____) _____

City, State, ZIP: _____

Contact Person: _____ E-mail: _____

How many years has the firm or venture been in business under its present name? _____

Under what other names, if any, has the firm or venture operated? _____

Firm Name: _____

Address: _____

DISCLOSURE OF OWNERSHIP INTERESTS

Pursuant to Resolution No. 5371 of the Board of Commissioners of the Public Building Commission of Chicago, Respondent shall provide the following information. If the question is not applicable, answer "NA". If the answer is none, please answer "none".

Respondent is a: Corporation LLC Joint Venture Not-for-Profit Corporation
 Partnership LLP Sole Proprietorship Other

1. FOR PROFIT CORPORATIONS

State of Incorporation _____

Authorized to do business in the State of Illinois: Yes No

Names of all officers of corporation
(Or attach list):

Name (Print or Type) Title (Print or Type)

Names of all directors of corporation
(Or attach list):

Name (Print or Type) Title (Print or Type)

Is the corporation owned partially or completely by one or more other corporations? Yes No

If "yes" provide the above information, as applicable, for each such corporation.

Indicate here or attach a list names and addresses of all shareholders owning shares equal to or in excess of seven and one-half percent (7.5%) of the proportionate ownership of the corporation and indicate the percentage interest of each.

Name of Shareholders (Print or Type)	Percentage Interest
	%
	%

2. PARTNERSHIPS and JOINT VENTURES

If Respondent is a partnership or joint venture, indicate the name of each partner and the percentage of interest of each therein. Also indicate, if applicable, whether general partner (GP) or limited partner (LP).

Name of Partners	Percentage Interest
_____	_____ %
_____	_____ %

3. SOLE PROPRIETORSHIPS

Is Respondent a sole proprietorship: Yes / No If Yes and Respondent is acting in a representative capacity on behalf of any beneficiary complete items a. and b. below.

- a. If the sole proprietorship is held by an agent(s) or a nominee(s), name the principal(s) for whom the agent or nominee holds such interest.
- b. If the interest of a spouse or any other party is constructively controlled by another person or legal entity, provide the name and address of such person or entity possessing such control and the relationship under which such control is being or may exercised.
- c.
- d. If the interest of a spouse or any other party is constructively controlled by another person or legal entity, state the name and address of such person or entity possessing such control and the relationship under which such control is being or may exercised.

Name(s)	Address(es)
_____	_____
_____	_____
_____	_____

Part B. LAND TRUSTS, BUSINESS TRUSTS, ESTATES & OTHER ENTITIES

If the bidder/proposer or Contractor is a land trust, business trust, estate or other similar commercial or legal entity, identify any representative, person or entity holding legal title as well as each beneficiary in whose behalf title is held including the name, address and percentage of interest of each beneficiary.

Name(s)	Address(es)
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SECTION 5. NOT-FOR-PROFIT CORPORATIONS

a. State of incorporation _____

Name of all officers and directors of corporation (or attach list):

Name (Print or Type)	Title (Print or Type)	Name (Print or Type)	Title (Print or Type)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: The Public Building Commission of Chicago may require additional information from any entity or individual to achieve full disclosure relevant to the transaction. Further, any material change in the information required above must be provided by supplementing this statement at any time up to the time the Public Building Commission of Chicago takes action on the contract or other action requested of the Public Building Commission.

II. CONTRACTOR CERTIFICATION

A. CONTRACTOR

The Contractor, or any affiliated entities of the Contractor, or any responsible official thereof, or any other official, agent or employee of the Contractor, any such affiliated entity, acting pursuant to the direction or authorization of a responsible official thereof has not, during a period of three years prior to the date of execution of this certification:

Bribed or attempted to bribe, or been convicted of bribery or attempting to bribe a public officer or employee of the City of Chicago, the State of Illinois, any agency of the federal government or any state or local government in the United States (if an officer or employee, in that officer's or employee's official capacity); or

Agreed or colluded, or been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or

Made an admission of such conduct described in 1(a) or (b) above which is a matter of record but has not been prosecuted for such conduct.

The Contractor or agent, partner, employee or officer of the Contractor is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rigging² in violation of Section 3 of Article 33E of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/33E-3), or any similar offense of any state or the United States which contains the same elements as the offense of bid-rigging during a period of five years prior to the date of submittal of this bid, proposal or response.³

The Contractor or any agent, partner, employee, or officer of the Contractor is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rotating⁴ in violation of Section 4 of Article 33E of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/33E-4), or any similar offense of any state or the United States which contains the same elements as the offense of bid-rotating.

The Contractor understands and will abide by all provisions of Chapter 2-56 of the Municipal Code entitled "Office of the Inspector General" and all provisions of the Public Building Commission Code of Ethics Resolution No.5339, as amended by Resolution No. 5371.

The Contractor certifies to the best of its knowledge and belief, that it and its principals:

Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal, state or local department or agency.

b. Have not within a three-year period preceding this bid or proposal been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (5)(b) above; and

Have not within a three-year period preceding this bid or proposal had one or more public transactions (federal, state or local) terminated for cause or default.

B. SUBCONTRACTORS

The Contractor has obtained from all subcontractors being used in the performance of this contract or agreement, known by the Contractor at this time, disclosures substantially in the form of Section 1, and certifications substantially in the form of Section 2, of this Disclosure Affidavit. Based on such disclosures and certification(s), and any other information known or obtained by the Contractor, is not aware of any such subcontractor or subcontractor's affiliated entity or any agent, partner, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of (a) any of the conduct describe in Section II(A) (1)(a) or (b) of this certification; (b) bid-rigging, bid-rotating, or any similar offense of any state or the United States which contains the same elements as bid-rigging or bid-rotating, or having made an admission of guilt of the conduct described in Section II(A)(1)(a) or (b) which is matter of record but has/have not been prosecuted for such conduct.

The Contractor will, prior to using them as subcontractors, obtain from all subcontractors to be used in the performance of this contract or agreement, but not yet known by the Contractor at this time, certifications substantially in the form of this certification. The Contractor shall not, without the prior written permission of the Commission, use any of such subcontractors in the performance of this contract if the Contractor, based on such certifications or any other information known or obtained by Contractor, became aware of such subcontractor, subcontractor's affiliated entity or any agent, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of (a) any of the conduct describe in Section II(A)(1)(a) or (b) of this certification or (b) bid-rigging, bid-rotating or any similar offenses of any state or the United States which contains the same elements as bid-rigging or bid-rotating or having made an admission of guilt of the conduct described in Section II(A)(1)(a) or (b) which is a matter of record but has/have not been prosecuted for such conduct. The Contractor shall cause such subcontractors to certify as to Section II(A)(5). In the event any subcontractor is unable to certify to Section II(A)(5), such subcontractor shall attach an explanation to the certification.

For all subcontractors to be used in the performance of this contract or agreement, the Contractor shall maintain for the duration of the contract all subcontractors' certifications required by Section II(B)(1) and (2) above, and Contractor shall make such certifications promptly available to the Public Building Commission of Chicago upon request.

The Contractor will not, without the prior written consent of the Public Building Commission of Chicago, use as subcontractors any individual, firm, partnership, corporation, joint venture or other entity from whom the Contractor is unable to obtain a certification substantially in the form of this certification.

The Contractor hereby agrees, if the Public Building Commission of Chicago so demands, to terminate its subcontractor with any subcontract if such subcontractor was ineligible at the time that the subcontract was entered into

for award of such subcontract. The Contractor shall insert adequate provisions in all subcontracts to allow it to terminate such subcontract as required by this certification.

C. STATE TAX DELINQUENCIES

The Contractor is not delinquent in the payment of any tax administered by the Illinois Department of Revenue or, if delinquent, the Contractor is contesting, in accordance with the procedures established by the appropriate Revenue Act, its liability for the tax or amount of the tax.

Alternatively, the Contractor has entered into an agreement with the Illinois Department of Revenue for the payment of all such taxes that are due and is in compliance with such agreement.

If the Contractor is unable to certify to any of the above statements [(Section II (C))], the Contractor shall explain below. Attach additional pages if necessary.

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

If any subcontractors are to be used in the performance of this contract or agreement, the Contractor shall cause such subcontractors to certify as to paragraph (C)(1) or (C)(2) of this certification. In the event that any subcontractor is unable to certify to any of the statements in this certification, such subcontractor shall attach an explanation to this certification.

D. OTHER TAXES/FEES

The Contractor is not delinquent in paying any fine, fee, tax or other charge owed to the City of Chicago.

If Contractor is unable to certify to the above statement, Contractor shall explain below and attach additional sheets if necessary.

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

E. PUNISHMENT

A Contractor who makes a false statement material to Section II(A)(2) of this certification commits a Class 3 felony. 720 ILCS 5/33E-11(b).

F. JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

The Contractor is not a party to any pending lawsuits against the City of Chicago or the Public Building Commission of Chicago nor has Contractor been sued by the City of Chicago or the Public Building Commission of Chicago in any judicial or administrative proceeding.

If the Contractor cannot certify to the above, provide the (1) case name; (2) docket number; (3) court in which the action is or was pending; and (4) a brief description of each such judicial or administrative proceeding. Attach additional sheets if necessary.

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

CERTIFICATION OF ENVIRONMENTAL COMPLIANCE

Neither the Contractor nor any affiliated entity of the Contractor has, during a period of five years prior to the date of execution of this Affidavit: (1) violated or engaged in any conduct which violated federal, state or local Environmental Restriction⁵, (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from any federal, state or local agency exercising executive, legislative, judicial, regulatory or administrative functions relating to a violation or alleged violation of any federal, state or local statute, regulation or other Environmental Restriction; or (3) been subject to any fine or penalty of any nature for failure to comply with any federal, state or local statute, regulation or other Environmental Restriction.

If the Contractor cannot make the certification contained in Paragraph A of Section III, identify any exceptions:

(Attach additional pages of explanation to this Disclosure Affidavit, if necessary.)

If the letters "NA", the word "None" or no response appears on the lines above, it will be conclusively presumed that the Undersigned certified to the above statements.

Without the prior written consent of the Public Building Commission of Chicago, Contractor will not employ any subcontractor in connection with the contract or proposal to which this Affidavit pertains without obtaining from such subcontractor a certification similar in form and substance to the certification contained in Paragraph A of this Section III prior to such subcontractor's performance of any work or services or furnishing any goods, supplies or materials of any kind under the proposal or the contract to which this Affidavit pertains.

Until completion of the Contract's performance under the proposal or contract to which this Affidavit pertains, the Contractor will not violate any federal, state or local statute, regulation or other Environmental Restriction, whether in the performance of such contract or otherwise.

INCORPORATION INTO CONTRACT AND COMPLIANCE

The above certification shall become part of any contract awarded to the Contractor set forth on page 1 of this Disclosure Affidavit and are a material inducement to the Public Building Commission of Chicago's execution of the contract, contract modification or contract amendment with respect to which this Disclosure Affidavit is being executed and delivered on behalf of the Contractor. Furthermore, Contractor shall comply with these certifications during the term and/or performance of the contract.

VERIFICATION

Under penalty or perjury, I certify that I am authorized to execute this Disclosure Affidavit on behalf of the Contractor set forth on page 1, that I have personal knowledge of all the certifications made herein and that the same are true.

The Contractor must report any change in any of the facts stated in this Affidavit to the Public Building Commission of Chicago within 14 days of the effective date of such change by completing and submitting a new Disclosure Affidavit. Failure to comply with this requirement is grounds for your firm to be deemed non-qualified to do business with the PBCC. Deliver any such new Disclosure Affidavit to: Public Building Commission of Chicago, Director of Procurement, 50 W. Washington, Room 200, Chicago, IL 60602.

Signature of Authorized Officer

Name of Authorized Officer (Print or Type)

Title

Telephone Number

State of _____

County of _____

Signed and sworn to before me on this _____ day of _____, 20____ by

(Name) as _____ (Title) of

(Bidder/Proposer or Contractor)

Notary Public Signature and Seal

SUBMITTAL REQUIREMENTS CHECKLIST

FORMAT: NUMBER OF COPIES

- 1 signed original copy
- 4 copies
- 1 additional copy unbound
- 1 Compact Disk (CD) of the electronic (pdf) copy

- Technical Competence (Experience and Qualifications)

SAFETY: a copy of:

- Table of Contents of safety/loss control manual
- OSHA Incident Rating
- EMR Sheets

- Financial Statement
- Disclosure Affidavit

- Resumes
- Legal Actions (if applicable)

LICENSE(s)

- Business License
- General Contractor's License

- Bonding Letter from surety
 - Statement listing explanation of any demands been placed on a bid bond, payment bond, or performance bond (if applicable)

- MBE / WBE current certification letter
- Narrative and or Continuation Sheet(s)