

3354:2-37-02 Responsible Contracting Practices for Works of Improvement.

- (A) The Board of Trustees desires to obtain quality workmanship, efficient operation, safety and timely completion of works of improvement from the lowest responsive and responsible bidder. A bidder shall be considered responsive if their proposal meets or exceeds specifications. A bidder shall be considered responsible if the bidder's experience, financial condition, performance on previous contracts, facilities and personnel to execute the contract properly are acceptable. The contract awarded will be to the lowest responsible bidder complying with conditions of the invitation to bid, provided that the bid is reasonable and it is in the interest of the District to accept it. The District, however, reserves the right to reject any and all bids or parts thereof or items therein and to waive any informality in bids received whenever such rejection or waiver is in the interest of the District. The District also reserves the right to not award a contract to the low bidder if it is determined by the District that the low bid is not in the best interest of the District.
- (B) Each bidder shall supply information necessary to ascertain the pecuniary and financial responsibility, accountability, reliability, skill, capacity, judgment and past experience as set forth in part (D) of this policy. In the event the apparent lowest bidder fails to furnish the requested information as set forth in part (D) of this policy, any of the information provided is false, or the information provided demonstrates a lack of responsibility, the apparent lowest bidder may be rejected and disqualified and in said event the next lowest bidder shall become the apparent lowest responsive and responsible bidder.
- (C) This policy shall apply to all contracts for works of improvement estimated to cost in excess of One Hundred Thousand Dollars (\$100,000.00).
- (D) Each bidder shall supply and certify to the accuracy of the following information relative to projects engaged by the bidder within the last five years:
- (1) A description of its experience with projects of comparable size, complexity, and cost demonstrating the contractor's ability and capacity to perform a substantial portion of the project with their own forces;
 - (2) Identification and description of any projects where the contractor was determined by a public entity not to be a responsible bidder although it was the apparent lowest bidder, the reasons given by the public entity and an explanation thereof;
 - (3) Disclosure of any OSHA violation resulting in fines;
 - (4) Disclosure of any violations pertaining to unlawful intimidation or discrimination against any employee by reason of race, c reed, color, disability, sex, religion, national origin or employees civil rights or equal employment opportunities;

- (5) Disclosure of any adverse judgments in an action involving a claim for personal injury or wrongful death arising from the performance of work related to any project in which it has been engaged;
- (6) Disclosure of any adverse judgments for nonpayment or nonperformance;
- (7) Disclosure of violations of the prevailing wage law or any other state or federal labor laws;
- (8) Disclosure of any Workers' Compensation laws;
- (9) Disclosure of any felony convictions involving the contractor, its officers, directors or owners;
- (10) Disclosure of any violations of environmental and/or health laws, codes, rules and/or regulations;
- (11) Disclosure and confirmation that all apprentices used by the bidder on the project are trained in a program approved by the United States Department of Labor or the Ohio Apprenticeship Council;
- (12) Identification of work to be subcontracted and the value of such work, the names of all major subcontractors, and confirmation by the bidder that it has or will advise said subcontractors that they are obligated to the same levels of responsibility as the bidder/contractor.
- (E) The District reserves the right to further inquire of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.
- (F) The District retains the right to waive non-compliance with the best bid criteria when it is determined that non-compliance does not affect the competitive nature of the bidding process.
- (G) All bid invitations, specifications, and similar requests for works of improvement shall advise all applicable prospective bidders of this policy.

Replaces: 3354:2-37-02

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CERTIFIED ELECTRONICALLY

Certification

03/11/2015

Date

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