Appendix A
Agency Bids Related to (Under Open Market threshold) Public Works

[Instructional Note to Bidding Agency – The following conditions, clauses, obligations, etc. are requirements for all bids that could impinge on or otherwise be considered Public Works see 29 Del. C. 6902 (23). Prior to bidding, please consider partnering with DOL and/or DFM to ensure appropriate adherence to the Del Code. This Appendix should ONLY BE USED for bids that are intended to contract for projects that would fall under the Open Market Public Works threshold. Anything over this PW threshold amount, should either be contracted through a 3 written bid process or a formal Public Works procurement (which requires different forms, processes and oversight.)

Additionally, since DOL oversees Prevailing Wage application, the DOL should provide a wage sheet that should be included with the bid package for posting on MyMarketplace.Delaware.gov

If there are any questions regarding the use of this Appendix, agencies may also contact the GSS Contracting section for clarification.

Last, after reviewing these instructions please delete all of this language in RED, prior to submitting for posting to the public bid portal. The guidance is intended to assist the agency in the procurement process and is not required for public posting.]

CONTRACT PROCUREMENT

This solicitation is issued as an Agency procurement. The structure of this Request for Proposals does not remove or relinquish Public Works procurement procedures required by 29 Del. C. 69, Subchapter IV as applied specifically to individually defined projects. Distinction from a Public Works contract is made in this Request for Proposals in that the resulting award is intended for services of recurring need with undetermined quantities contrast to Public Works contract awarded for individual projects. Accordingly, to avoid conflicting with Public Works procurement requirements, the individual requests for services should not exceed the current open procurement threshold for Public Works, which can be seen at: Public Works Bid Thresholds

ENGINEERED PLANS

If the project does not require architectural and engineering services per 29 Del. C. § 6962(d)(b), the agency head may waive in writing the use of such services. Should there be a need for a specific agency project for an engineered plan, the agency is responsible for acquiring the services needed.

MANDATORY PRE-BID MEETING NOT REQUIRED

The Public Works pre-bid meeting requirement per 29 Del. C. § 6962(d)(10) does not apply to this solicitation. Mandatory pre-bid meetings intended to discuss specific projects and determine subcontractors needed are not required as this solicitation does not seek a solution for a single project.

REGISTERED OR PREQUALIFIED BIDDERS

Bidders are not required to be registered or prequalified for this Request for Proposals. All bidding documents are made publicly available on http://bids.delaware.gov/. While subcontractors are

not required to be prequalified for this solicitation, subcontractors, if used, should be identified individually on the subcontractor form included with this solicitation without a prequalification requirement.

BID BOND NOT REQUIRED

The bid bond requirement in Public Works Procurement 29 Del. C. § 6962(d)(8) is not applicable for this solicitation. This solicitation seeking undetermined quantities does not meet the surety requirement of 10% of a known project. No Bid Bond is required for this Request for Proposals.

PREVAILING WAGE

The prevailing wage law, 29 Del. C. § 6960(a), is enforced by the Department of Labor and states that the specifications for every contract or aggregate of contracts relating to a Public Works project in excess of $500,000 for new construction (including painting and decorating) or $45,000 for alteration, repair, renovation, rehabilitation, demolition or reconstruction (including painting and decorating of building or works) to which this State or any subdivision thereof is a party and for which the State appropriated any part of the funds and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Delaware Department of Labor, Division of Industrial Affairs, to be prevailing in the county in which the work is to be performed.

The Department of Labor has determined that this contract and any work that stems from this contract regardless of location is subject to prevailing wage. The Department of Labor Prevailing Wage sheet for work performed under this central contract is attached. The Vendor is required to conform with this determination and rate sheet.

According to 29 Del C. 6960(c), every contract based upon these specifications shall contain a stipulation that sworn payroll information, as required by the Department of Labor, be furnished weekly. The Department of Labor shall keep and maintain the sworn payroll information for a period of 6 months from the last day of the work week covered by the payroll.

CONTRACTOR REGISTRATION ACT

On July 1, 2021, the Contractor Registration Act, as codified in 19 Del. C. §§ 3601 *et seq,* took effect. This law requires all contractors to register with the Delaware Department of Labor before performing construction services or maintenance. The Contractor Registration Act applies to all contractors that engage in construction and maintenance within the State of Delaware. Additionally, it requires contractors to have Delaware workers' compensation insurance where required, compliance with labor laws, and proof of a state business license. The Delaware Department of Labor's Office of Contractor Registration is responsible for enforcement of the requirements of the Contractor Registration Act. If you have any questions about the contractor registration process, please call 302-430-7739 or email Contract.Registry@delaware.gov. Registration at onestop.delaware.gov.

CRAFT TRAINING PROGRAM

In accordance with 29 Del. C. § 6962(c)(13) of the Delaware Code, effective June 7, 2020, contractors and subcontractors must provide craft training for journeyman and apprentice levels under certain circumstances. If awarded a central contract and selected to perform a project under

the central contract, vendor must complete the included Affidavit of Craft Training Compliance and present the Affidavit to the agency for whom the contractor is performing the project prior to a Purchase Order being completed by that agency.

***See Below**, Affidavit of Craft Training Compliance.*

EFFECTIVE FOR BIDS ADVERTISED BEGINNING JUNE 7, 2020

Outdoor Access Point Purchase & Installation
Red Clay Consolidated School District
2-27-26

AFFIDAVIT OF
CRAFT TRAINING COMPLIANCE

We, the contractor, hereby certify that we and all applicable subcontractors will abide by the contractor and subcontractor craft training requirements outlined below for the duration of the contract. Craft training is defined as "an apprenticeship program approved by and registered with any State apprenticeship agency or the United States Department of Labor."[1] A list of crafts for which there are approved and registered training programs is maintained by the Delaware Department of Labor and can be found at https://det.delawareworks.com/apprenticeship/documents/Apprenticeship Occupation List for 29Del6962 Compliance.pdf Information pertaining to subcontractor craft training programs shall be provided by the contractor prior to contract execution. If you have questions regarding craft training programs, please submit them in writing to the Delaware Department of Labor at: apprenticeship@delaware.gov .

In accordance with Title 29, Chapter 69, Section 6962(c)(13) of the Delaware Code, contractors and subcontractors must provide craft training for journeyman and apprentice levels if **all** of the following apply:

A. A project meets the prevailing wage requirement under Title 29, Chapter 69, Section 6960 of the Delaware Code.
B. The contractor employs 10 or more total employees.
C. The project is not a federal highway project

Failure to provide required craft training on the project may subject the successful contractor and/or subcontractor(s) to penalties as outlined in Title 29, Chapter 69, Section 6962(c)(13) of the Delaware Code.

Craft(s) _____

Contractor Name: _____

Contractor Address: _____

_____

_____

Contractor/Subcontractor Program Registration Number _____
On this line also indicate whether DE, Other State (identify) or US Registration Number

Authorized Representative (typed or printed): _____

Authorized Representative (signature): _____

Title: _____

Sworn to and Subscribed before me this _____day of _____ 20____.

My Commission expires _____. NOTARY PUBLIC _____.

[1] Title 29, Chapter 69, Section 6902(7) of the Delaware Code.

THIS PAGE MUST BE SIGNED AND NOTARIZED FOR YOUR BID TO BE CONSIDERED