

CONTRACTOR/BIDDER
DETERMINATION OF RESPONSIBILITY
005000B03

1. Purpose

The Commonwealth of Kentucky Model Procurement Code (KRS 45A.080) requires that a contract be awarded to the lowest responsive and responsible bidder whose bid offers the best value. KRS 45A.070(6) defines "Responsible bidder or offeror" as "a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance," and "Best value" as "a Procurement in which the decision is based on the primary objective of meeting the specific business requirements and best interests of the Commonwealth." The information requested in this document is to be used to evaluate the "responsibility" by verifying the apparent low bidder:

- (a) Has adequate financial resources (in working capital and bonding capacity) in relation to the scope and dollar amount of the project or the ability to secure such resources;
- (b) Has the experience, organization, technical qualification, available personnel resources, and has or can acquire the equipment necessary to perform the scope of work bid;
- (c) Is able to comply with the required performance schedule or completion date, taking into account existing commitments (i.e. capacity).
 - **Bidders that have not met schedule milestones, including but not limited to Substantial Completion and Final Completion dates on existing contracts with the University may be deemed non-responsible for award** until such time as the bidder has fulfilled their obligations on existing work.
 - The University reserves the right to contact individuals not provided by the bidder on reference projects.
- (d) Has a satisfactory record of performance, integrity, judgment, and skills to complete the scope(s) of work in the bid.

The information provided must verify that the bidding firm has a sufficient level of expertise, experience, financial stability, and personnel resources to qualify the firm as being "responsible" prior to proceeding with an award of Contract. The determination of the firm's capability and responsibility will be made as fairly and honestly as possible using a reasonable exercise of sound judgment and discretion in the review of information provided or otherwise secured through references or other sources.

2. Application Submittal

The low responsive Bidder must complete the information requested by typing or clearly printing responses in ink. All information requested must be provided. If a question does not apply, insert "NA" for not applicable. The University of Kentucky reserves the right to request supplemental information to fully determine the responsibility of the Bidder. As a condition of award, the Bidder agrees to provide supplemental information, if requested by the University.

3. Insurance Requirements

The Successful Bidder will be required to provide proof of insurance indicating current liability coverages, including workers' compensation, with limits equal to or exceeding the amounts required by the bid documents. Additionally, builder's risk coverage equal to the Contract amount will be required of the successful contractor.

*NOTE: Pursuant to KRS 45A. 110, except as otherwise provided under the Open Records Act and any other applicable law, the Bidder has the right of nondisclosure to the public of certain information required by this submittal. If the Bidder wishes nondisclosure of certain information, they shall enclose the confidential information in a separate envelope marked CONFIDENTIAL and forward it with the information and other submittals required by this document. If this is not done, he/she waives the right of nondisclosure of this information and the signing of the Bid Proposal shall constitute a written waiver of that right.

Contractor/Bidder
Determination of Responsibility
Submittal
CCK-0000.0-0-00

The apparent low bidder will be required to complete and submit to the University the following information by twelve (12) noon on the business day following the bid deadline or other time as may be established during the public bid opening. The information in this submittal is required for determining responsible bidder status. Failure to supply this information in a timely manner may result in rejection of the bid.

1. Name of Firm _____
Headquarters Street Address _____
City, State, Zip _____
Local Mailing Address _____
City, State, Zip _____
Contact Person _____
Phone () _____
email address _____
Registered Agent _____
Mailing Address _____
City, State, Zip _____
2. Attach evidence of good standing with the Kentucky Secretary of State. If a sole proprietorship or general partnership, so state.
3. In the past five years, has the firm been fined for violating state or federal safety, wage & hour, or environmental laws?
_____ No _____ Yes If yes, attach an explanation.
4. Provide your firm's Experience Modification Rate (EMR). _____ Attach documentation of this rate.

Firms that provide no EMR rate, or a rate higher than 1.0 (truncated) may be deemed non-responsible for award due to worksite safety.

5. Has any key person of the firm (including but not limited to: owners of more than 5%, partners, officers, directors, or any other person whose duties, responsibilities, or authority would cause a reasonable person to consider them a key person of the firm) ever been convicted of embezzlement, theft, bribery, falsification or destruction of records, receipt of stolen property, criminal anti-trust violations or bid-rigging?

_____ No _____ Yes If yes, attach an explanation.

6. Has a civil court issued a judgment of \$10,000 or more against the firm in the past five years?

_____ No _____ Yes If yes, attach an explanation.

7. In the past five years, has the firm been terminated from any contract for reasons other than convenience?

_____ No _____ Yes If yes, attach an explanation.

8. How many years has the firm been in business? _____

9. Surety Info:

Surety Company Name_____

Street Address_____

City, State, Zip_____

Phone Number ()_____

Local Bond Agency_____

Kentucky Licensed Agent_____

Street Address_____

City, State, Zip_____

Phone Number ()_____

10. Bonding Capacity:

Current level of bonding capacity authorized by the surety:

Single Limit \$ _____

Aggregate Limit \$ _____

Bond Premium per \$1,000: _____

11. Bank Reference

Bank Name_____

Street Address_____

City, State, Zip_____

Phone Number ()_____

12. How many years has the firm been performing the services in this scope of work? _____

13. Project Manager: Provide the name of the project manager who will be assigned to and responsible for this project. A current resume of this individual shall be attached to this submittal. This resume should include a list of projects for which this manager has been responsible within the past five (5) years.
The Project Manager identified below shall not be reassigned to other/additional projects without the prior written approval of the University. If the Project Manager ends employment with the Contractor, a replacement Project Manager with equal or greater experience as determined by the University will be provided at no additional cost or extension of project completion time.

Name: _____

Phone: (_____) _____

email address: _____

14. Superintendent: Provide the name of the superintendent who will be assigned to and responsible for this project. A current resume of this individual shall be attached to this submittal. The resume should include a list of projects for which this superintendent has been responsible within the past five (5) years.
The superintendent identified below must be on site at all times that work is being performed without exception and shall not be reassigned to other/additional projects without the prior written approval of the University. If the superintendent ends employment with the Contractor, a replacement superintendent with equal or greater experience as determined by the University will be provided at no additional cost or extension of project completion time.

Name: _____

Phone: (_____) _____

email address: _____

Certification and Signature:

I hereby certify that I am an authorized principal of the firm and I:

1. Have read, and understand the reason for submitting this information;
2. Agree, upon request, to provide any additional information that may be necessary for determination of contractor responsibility;
3. Swear or affirm that all information provided on this submittal is true;
4. Understand that if any of the responses are found to be materially untrue, the firm will be ineligible to be awarded a contract.

Your signature on this document is a sworn statement to the University of Kentucky. This document must be signed by the firm's CEO, president, vice-president, partner, or sole owner.

Under penalties of perjury, I hereby swear or affirm, warrant and represent that the above answers and information have been personally provided by me, and that I have the authority to execute this document on behalf of this firm.

Signature _____
Name _____ Title _____

State of _____)
County of _____)

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

_____, _____ acting for and on behalf of
(name) (office held)
_____.
(firm)

Notary Public _____, Kentucky My Commission