

**VALPARAISO COMMUNITY SCHOOLS
RESOLUTION _____**

**Policy on Responsible Bidding Practices and
Requirements for Submitting Bids to Perform Public Work Projects**

WHEREAS, the Valparaiso Community Schools, (hereinafter "VCS"), is required by law to award capital improvement contracts to the "lowest responsive and responsible" bidder;

WHEREAS, VCS, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects requires all bidders meet certain minimum requirements in order to be deemed a "responsive and responsible" bidder;

WHEREAS, applicable state law also requires that bidders meet certain minimum requirements in order to be a "responsive and responsible" bidder;

WHEREAS, VCS seeks to enhance its ability to identify "responsive and responsible" bidders on all school construction projects by instituting more comprehensive submission requirements in compliance with Indiana State law;

WHEREAS, this policy will preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded public work contracts on School construction projects;

WHEREAS, this policy will assure efficient use of taxpayer dollars, promote public safety, and is in the public interest; and,

WHEREAS, the "Responsible Bidding Practices and Requirements for Submitting Bids" Policy will help ensure that no contractor awarded work, or any subcontractor of any tier, engages in payroll fraud, including the misclassification of employees as independent contractors to avoid paying state, federal or local payroll taxes, workers compensation insurance, unemployment insurance premiums and failing to pay overtime and wages as required by law.

SECTION 1. This Policy, entitled "Responsible Bidding Practices and Requirements for Submitting Bids to Perform VCS Public Work Projects," is hereby enacted and shall read as follows:

I. Bid Submission Requirements

Contractors submitting bids on any VCS project estimated to be at least \$150,000 or more must, prior to the opening of bids, submit a statement made under oath and subject to perjury laws, on a form designated by VCS and must include:

- (A) A copy of the Indiana Secretary of State's online records for the bidder dated within sixty (60) days of submission showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply;
- (B) A list identifying all former business names;
- (C) A list identifying any and all determinations by a court or governmental agency that the bidder or any individual or entity identified in section 1 (B) above violated federal, state, or local laws including but not limited to contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupations Safety and Health Act (OSHA), or federal Davis Bacon and Related Acts, or otherwise engaged in fraud or other acts of dishonesty.
- (D) A statement on staffing capabilities, including labor sources;
- (E) Evidence of participation in apprenticeship training programs, approved by and registered with the United States Department of Labor Office of Apprenticeship or successor organization, applicable to the work to be performed on the project; and evidence that all apprenticeship programs have graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprentice able crafts dedicated exclusively to the transportation of material and equipment to and from the school construction project.

The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and apprenticeship agreement(s) for any apprentice(s) who will perform work on the school construction project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. Additional evidence of participation and graduation requirements may be requested by VCS at its discretion.

- (F) A copy of a written plan for employee drug testing that: (i) covers all employees of the bidder who will perform work on the school construction project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;
- (G) The name and description of the experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the

project;

- (H) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous five (5) years of any professional or trade license held by the company, or of any director, officer, or manager employed by the bidder;
- (I) Evidence that the bidder is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties;
- (J) A written statement of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years;
- (K) A statement that all individuals who will perform work on the project on behalf of the bidder will be properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances;
- (L) A list of projects of similar size and scope of work that the bidder has performed in the State of Indiana within three (3) years prior to the date on which the bid is due;
- (M) For contracts estimated to cost at least Three Hundred Thousand (\$300,000) Dollars, certification that the bidder and all subcontractors are qualified under IC 4-13.6-4 or IC 8-23-10;
- (N) A written list that discloses the name, address, and type of work for each subcontractor the bidder intends to employ on any part of the project, including individuals performing work as independent contractors.

VCS reserves the right to demand supplemental information from the bidder, perform additional verifications of any information provided by the bidder, and may conduct inquiries of the bidder's current and prior customers.

II. Post-Bid Submissions from Subcontractors

Each subcontractor of any tier shall be required to adhere to the requirements of Section I of this Policy, but subcontractors shall submit the required information to the successful bidder, who shall then submit said information to VCS prior to the subcontractor's first day of work on the school construction project.

Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default or breach by the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by VCS. Additionally, VCS may require the

successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.

The disclosure of a subcontractor by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or a subcontractor may substitute another subcontractor for a disclosed subcontractor by giving us written notice of the name, address, and type of work the substitute subcontractor will perform. The substitute subcontractor is subject to all the obligations of a subcontractor under this policy.

III. Validity of Pre-Qualification Classification

Upon designation by VCS that a bidder's or subcontractor's submission is complete and timely, and upon any further consideration deemed necessary, the bidder or subcontractor may be pre-qualified for future VCS work projects. Pre-qualification shall exempt the bidder or subcontractor from the comprehensive submission requirements contained herein for a period of twelve (12) months. Thereafter, bidders or subcontractors who are pre-qualified must submit a complete application for continuation of pre-qualified standing, on a form provided by VCS, (i.e. a "short form") by December 31st for the upcoming calendar year. Failure by any pre-qualified bidder or subcontractor to timely submit its complete application for continuation of pre-qualified standing shall result in automatic removal of the designation effective January 1 of the upcoming year. However, the removed bidder or subcontractor shall still be permitted to bid on or perform work on VCS construction projects.

Any material changes to a contractor's status, at any time, must be reported in writing within ten (10) days of its occurrence. Material changes shall include but not be limited to changes which would have otherwise been disclosable under the terms of this resolution had they been known at the time the bidder submitted its disclosures. The pre-qualification designation is solely within the discretion of VCS and VCS specifically reserve the right to change or revoke the designation for a stated written reason(s).

Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven (7) working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to us within five (5) business days of receipt of notice of denial.

IV. Incomplete Submissions by Bidders

It is the sole responsibility of the bidder to comply with all submission requirements herein no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by VCS shall result in the automatic disqualification of the bid.

V. Responsive and Responsible Bidder Determination

After its review of complete and timely submissions, taking into account all information in the submission requirements, VCS shall in its sole discretion, determine whether a

bidder or subcontractor is responsive and responsible. VCS reserves the right to utilize all information provided in the bidder or subcontractor's submission or any information obtained through independent verifications of the information provided.

VI. Certified Payroll

For projects in which the cost is at least One-Hundred Fifty Thousand (\$150,000.00) Dollars, the successful bidder and all subcontractors working on a VCS construction project shall submit a certified payroll report utilizing federal form WH-347 or its successor form, which must be prepared on a weekly basis and submitted within ten (10) calendar days after the end of each week in which the successful bidder or subcontractor performed on the VCS construction project. Certified payroll reports shall identify the job title and craft of each employee on the project (e.g., journeyman electrician or apprentice electrician). The reports shall be given to the project manager, who will be responsible for receipt and review of those reports. In the event any successful bidder or subcontractor uses independent contractors to perform work on the project, such individual must be identified on the federal form WH-347 or successor form with the same information as is required for employees.

VCS may withhold payment due for work performed by a successful bidder or subcontractor for failure to timely submit their certified payroll reports until such time as the reports are submitted.

VII. Public Records

All information submitted by a bidder or a subcontractor pursuant to this policy, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (IC 5-14-3).

VIII. Penalties for False, Deceptive, or Fraudulent Statements/Information

Any bidder or subcontractor that willfully makes, or willfully causes to be made, a false, deceptive, or fraudulent statement, or willfully submits false, deceptive, or fraudulent information in connection with any submission made to VCS shall be disqualified from bidding or working on all VCS construction for a period of at least three (3) years. Said actions on the part of a bidder or subcontractor will be strongly considered in determining whether a bidder is considered a responsive and responsible bidder. Nothing in this resolution shall be construed to limit other remedies which may be pursued by VCS, and VCS expressly reserves the right to pursue any and all remedies available.

IX. Conflicting Policies

Any other policy or provision of any other policy in conflict with the provisions of this policy is hereby repealed.

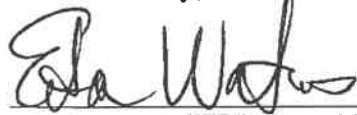
X. Severability

If any provision of this policy is found to be invalid, the remaining provisions of this policy will not be affected.

SECTION 2. It is hereby found and determined that all formal actions of the Board relating to the passage of this policy were adopted in open meeting(s) and that all deliberations of the Board and its committees that resulted in such formal actions were meetings open to the public, in compliance with all legal requirements.

SECTION 3. This Policy, entitled "Responsible Bidding Practices and Requirements for Submitting Bids to Perform Public Work Projects," shall be in full force and effect from and after the date of adoption by Valparaiso Community Schools.

PASSED AND ADOPTED by the Valparaiso Community Schools Board of Trustees, Porter County, Indiana, on the 16th day of October, 2025.



ERIKA WATKINS, President



ASHLEY KRUSE, Vice-President

MRS. KAYE FRATACCIA-SEIBERT, Secretary



MR. KARL CENDER, Member



MR. JOHN PELUSO, Member

ATTEST:

